

**Economic and Social Council**

Distr.: General
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Committee on Economic, Social and Cultural Rights
Fifty-ninth session**Summary record of the 61st meeting**

Held at the Palais des Nations, Geneva, on Monday, 26 September 2016, at 3 p.m.

Chair: Mr. Sadi

Contents**Consideration of reports (*continued*)**

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of Lebanon

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The meeting was called to order at 3 p.m.

Consideration of reports (continued)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Second periodic report of Lebanon (E/C.12/LBN/2; E/C.12/LBN/Q/2 and Add.1)

1. *At the invitation of the Chair, the delegation of Lebanon took places at the Committee table.*

2. **Ms. Riachi Assaker** (Lebanon), introducing her country's second periodic report, said that Lebanon had participated directly in the drafting of the Universal Declaration of Human Rights, and its commitment to the principles contained therein was enshrined in the Constitution. That commitment remained firm despite the many serious economic, social and political crises that Lebanon had faced over the preceding two decades.

3. When it had previously appeared before the Committee, in 1993, Lebanon had just emerged from a 15-year war. At that time, it had had a long-term strategic vision that had subsequently led to a period of stability. Various projects had been launched to rebuild infrastructure and improve standards of living, and the Government had worked to strengthen public institutions, support the economy, restore social harmony and combat poverty. Although some notable successes had been achieved, progress had been limited in a number of sectors owing to the enormity of the challenges. One notable outstanding problem was that of servicing an increased public debt.

4. That period had come to an end with the assassination of former Prime Minister Rafik Hariri in 2005, which had sown deep internal political divisions, and the Israeli aggression against Lebanon in 2006, which had left thousands dead and destroyed national infrastructure. Those events had plunged the country into persistent institutional stalemate and economic and social instability. At the same time, the international context had brought further challenges, as terrorism and extremism had spread throughout the region. The war in Syria had brought refugees to Lebanon in numbers far greater than those seeking safety in Europe, which had recently become alive to the refugee problem with the influx of just a few hundred thousand displaced persons.

5. Not only did the presence of such a large number of refugees — 1.5 million — on national territory represent an enormous economic, social and political burden, it also affected the delicate political and social balance between the country's many religious communities. Moreover, while new challenges constantly arose, old ones persisted, notably the ongoing presence of around 400,000 Palestine refugees, towards whom the international community's humanitarian commitment seemed to be dwindling.

6. Despite all its difficulties, Lebanon continued to implement international treaties and to cooperate constructively with international organizations. The Government remained committed to its constitutional obligation to ensure balanced development among all regions as a cornerstone of national unity, and to guarantee democratic freedoms and equality among citizens. To that end, a number of legislative measures had been taken, including laws to protect women and other family members from domestic violence, to abrogate mitigating circumstances for honour crimes and to tackle human trafficking. Legislation to establish a national human rights institution was in the pipeline.

7. The authorities were working to encourage dialogue between the public and private sectors and to uphold union rights. Since 1993, the Government had been involved in a major project to update the Labour Code and bring it into line with international standards. It had also taken measures to favour certain categories of the population, such as mothers, older persons and the poor, and to promote specific social groups such as the marginalized

and persons with special needs. One major area of focus was the young, and plans and strategies were in place to combat unemployment and provide job opportunities, thereby also curbing economic migration.

8. Action taken by the authorities to improve both the quantity and quality of health-care services had led to tangible improvements in health indicators among all categories of the population. The number of State-run hospitals offering health care to persons without insurance coverage had increased. Recently, the health system in Lebanon had been able to demonstrate its resilience and professionalism in the way it was handling the pressures placed upon it by the influx of Syrian refugees. The education system, though also strained to the limit by the refugee crisis, had managed to maintain its high reputation for quality. Primary education was obligatory and remained free of charge in State-run schools, and the Government was taking steps to update the curriculum and to train teaching staff. It was also working strenuously to combat illiteracy, especially in rural areas, notably through a national adult education programme.

9. Culture in Lebanon had remained unaffected by the various crises. Play performances, film screenings, exhibitions and festivals continued unabated. Indeed, more people than ever were using public libraries and frequenting cultural institutes and foreign language academies. The Government supported such activities to the extent possible, through its cooperation with the country's many civil society organizations and by encouraging innovation and protecting intellectual property rights.

10. **The Chair** said that the head of the Lebanese delegation had well described the scale of the challenges and difficulties her country was facing. The complex internal situation was possibly one of the reasons behind the inability of the legislature to elect a new President of the Republic which, in turn, further hindered Lebanon in its fulfilment of its international obligations, also those under the Covenant. Nonetheless, it was important to remember that certain principles, such as gender equality and non-discrimination, remained ineluctable and had to be upheld irrespective of any problems a State might be facing.

11. **Mr. Kerdoun** (Country Rapporteur) said that the State party's replies to the list of issues had been unsatisfactory. Numerous points that the Committee had raised on matters such as the status and application of the Covenant in national law, corruption, the servicing of public debt, unemployment and non-discrimination had been inadequately answered or not answered at all. When Lebanon had ratified the Covenant in 1972 it had been among the first countries to do so. However, it had submitted its initial report only in 1993 and its second periodic report in 2015. That was too long a delay.

12. The Constitution of Lebanon of 1926, as amended by the Taif Accords of 1989, while it included provision for the recognition and protection of civil and political rights, made no apparent mention of economic, social and cultural rights. Nonetheless, since under the Constitution international treaties had priority over national legislation, he asked the delegation to provide examples in which the Covenant had been invoked by the courts. Given the large numbers of refugees in Lebanon, he wondered whether the Government intended to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Were there any plans to ratify the Optional Protocol to the Covenant? He was concerned that plans to establish a national human rights institution in line with the Paris Principles had not yet been finalized.

13. There had been a number of positive developments in Lebanon, notably on the legal front, with the approval of Act No. 293 of 2014 concerning domestic violence, Act No. 220 of 2000 concerning persons with disabilities, Act No. 686 of 1998 concerning primary education, and a draft bill on domestic workers. Lebanon's accession to many important international treaties was also to be commended. However, there remained a number of

treaties, notably those of the International Labour Organization (ILO), which it had thus far failed to ratify.

14. However, Lebanon faced three fundamental concerns in ensuring the enjoyment of economic, social and cultural rights. First, corruption was a disease that had infected practically all sectors of Lebanese society — not least the political sphere — and which needed to be combated through rigorous measures. Secondly, existing economic and social difficulties had been compounded by the influx of migrants that had followed the outbreak of civil war in Syria. The 1.6 million Syrian and 400,000 Palestine refugees, and their demands for work, accommodation, education, health care and access to water and electricity, placed huge pressures on the Lebanese economy. Refugees also competed for jobs with Lebanese nationals. A third major problem was the political instability and paralysis that had prevailed since 2014, with differences between political factions and parties meaning that Parliament rarely met and indeed had failed to elect a president. Debt and poverty raised additional obstacles to the free enjoyment of rights in Lebanese society.

15. In respect of article 2 of the Covenant, concerning the obligation to take steps to the maximum of available resources, the Government had not adopted an official budget since 2005 and the State party had acknowledged the impossibility of shedding any light on the amounts allocated to the sectors relevant to the Covenant. The bills drafted following ratification of the United Nations Convention against Corruption in 2008 were still pending and had not been put to a parliamentary vote. In that context, the Committee would be interested to learn what measures were envisaged by the State party to combat corruption and when it was likely to resume consideration of anti-corruption legislation. Information would also be appreciated on any steps that might be taken to reduce the high debt servicing costs mentioned in the report and to prevent the public debt from further increasing. Considering the 2013 World Bank report containing an assessment of the economic and social impact on Lebanon of the Syrian conflict, the Committee would like an explanation of how the State party intended to restore economic balance, together with details of any urgent measures it might take to continue providing services to the public and to migrants, together with information on aid donors.

16. Given that there appeared to be serious discrimination against women in the Lebanese law regarding the transmission of nationality, clarification should be provided on whether a non-Lebanese national was entitled to Lebanese nationality in the event of marriage to a Lebanese woman. Moreover, in the light of the reported stigmatization of groups such as people affected by the human immunodeficiency virus (HIV), persons with disabilities, members of the lesbian, gay, bisexual and transgender (LGBT) community, and refugees and migrants, the Committee would be grateful for details of proposals to amend discriminatory legislation.

17. In respect of article 3, concerning the equal rights of men and women, despite the State party's assertion that women faced no obstacles in accessing the labour market in Lebanon, the Committee had received figures from OHCHR that the female labour market participation rate did not exceed 20 per cent, compared with a male rate of 72 per cent. The delegation should therefore provide information on efforts to close that gap, together with information on the possibility of introducing civil marriage, and clarify whether women were able to exercise political functions on an equal footing with men, in view of their limited participation in political life.

18. **Mr. Martynov**, said that, in view of the stubbornly high rates of unemployment and youth unemployment in Lebanon, the State party should give a more comprehensive response on whether the Government had adopted and implemented any national policies, programmes or strategies to address the problem, and on how effective those measures had been. Recent data, if available, should be provided on unemployment among persons with disabilities. The Committee would appreciate confirmation of whether the Convention on

the Rights of Persons with Disabilities had been ratified, along with an explanation of why sanctions were no longer imposed on employers who failed to observe quotas for the employment of persons with disabilities. Given that the Government's restrictions on migrants' and refugees' right to work were in breach of the provisions of the Covenant, he expressed the hope that the next periodic report would show Lebanon taking a different direction. It was unclear what unemployment benefits were provided, and what percentage of unemployed persons benefited from them.

19. While it was understood that Lebanon had enacted a labour law whose provisions on the minimum wage fell within the parameters of the Covenant, the Committee would be grateful for details of measures taken to enforce the minimum wage, statistical data on the proportion of the workforce receiving it, and some comparison of the minimum wage relative to the minimum subsistence level for workers and their families. Further explanation should be given concerning the measures taken to enforce contractual obligations and the timely payment of wages, such as labour inspections, and the compliance rates achieved. The delegation should also indicate how the Code of Obligations and Contracts safeguarded the rights of workers in the informal economy, given that those rights were not covered by the Labour Code. In respect of the two bills that were being drafted on agricultural workers and persons working in domestic service, some clarification was required as to the aims of that legislation, as well as the potential time frame for their adoption.

20. It was clear that the legal requirements governing strike action, together with those on formation of a trade union and collective bargaining, as well as the ban on civil servants forming a trade union, were all excessive. The Committee wished to learn whether the State party had undertaken to draft amendments to bring the relevant laws into line with article 8 of the Covenant.

21. Information was required on the extent of implementation of minimum core obligations under article 9 of the Covenant. Clarification was also needed on whether all workers engaged in the informal sector were entitled to health services, as the periodic report suggested. Moreover, considering that an estimated 73 per cent of older persons did not have any health or retirement insurance, the Committee was troubled by the suspension of two social security schemes providing health insurance to older persons and wished to know whether the Government planned to overturn those measures and return to the status quo ante.

22. Lastly, recognizing the State party's endeavours to improve the situation of older persons through a bill on pensions, social protection and optional insurance, to issue health cards to those not covered by insurance schemes, and ultimately to provide social security coverage for all Lebanese, he would be grateful for additional details regarding the implementation of those efforts, including the proposed time frame.

23. **The Chair** said that he too would welcome clarification from the delegation concerning laws that restricted children's nationality in the event that one parent was not Lebanese.

The meeting was suspended at 4.10 p.m. and resumed at 4.30 p.m.

24. **Ms. Riachi Assaker** (Lebanon) said that the delegation would give an immediate response to the questions raised, with the exception of matters pertaining to the Labour Code, which would be answered at the following meeting.

25. **Ms. Slaylati** (Lebanon), noting that under the Lebanese Constitution international treaties and conventions took precedence over domestic legislation, said that Lebanon had been unable to grant nationality to the Palestine refugees on its territory, and for that reason nationality had remained a sensitive issue. It was indeed the case that Lebanese women

were unable to pass on their nationality in the event that they married a foreign national. While an amendment had been drafted that would grant Lebanese women the right to transmit their nationality in such cases, it had not yet been adopted owing precisely to the legal precedence of international conventions. Measures beneficial to Lebanese women included the granting of the right of residence to husbands and children for three years, and the systematic granting of that right for children born in Lebanon. Laws had recently been passed whereby women had the freedom to work, to pursue commercial activities, and to travel without the authorization of their husband. Statistics showed that women had achieved parity with men in the justice system, held more public positions than men, and were increasingly exercising and claiming their rights. However, they still maintained a low profile in the political domain.

26. Concerning the recognition of economic, social and cultural rights, the Constitution guaranteed freedoms at all levels, including freedom of expression and freedom of belief, while the Lebanese economy offered the freedom to pursue private initiatives. Individual freedom was also enshrined in legislation, and those who violated the freedoms of expression or belief would be prosecuted. Despite the wars that had torn the country apart, the massive influx of refugees, and the "brain drain" of highly educated graduates and skilled workers, Lebanon was making progress and would emerge from its present predicament.

27. With regard to family violence, the protection of women and children had been renewed under a law enacted in May 2014. Moreover, all courts and legal bodies had judges that specialized in dealing with cases of family violence, while the Ministry of Education and Higher Education had sent out a clear message that ethical, moral and physical violence had no place in schools, and had deployed monitors to protect children. Efforts were being made to repeal an article of the Criminal Code that provided for mitigating circumstances to be taken into account in cases where a man committed what was known as an "honour crime". Proposed amendments to the Code had been submitted to Parliament for its consideration. Minors could not be imprisoned under Lebanese law or brought before a court unless accompanied by a social worker or a member of their family. Schools were safe havens, and radical measures were being introduced to enhance the protection afforded to children. The status of illegitimacy was no longer noted in family registers.

28. Labour disputes could be resolved amicably with the assistance of the Ministry of Labour or, if that proved impossible, by specialized tribunals. Relatively few Lebanese citizens availed themselves of labour dispute settlement mechanisms as many jobs had been taken by refugees from the Syrian Arab Republic, of whom some 1.5 million had been accepted in recent years. The influx of refugees had been labelled a scourge because of its impact on the labour market. Many nationals, including university graduates, had been forced to emigrate in search of work. Palestine refugees who were registered with the Ministry of Interior could apply for jobs that were generally reserved for Lebanese citizens and were issued with identity documents that gave them access to the property market.

29. The Ministry of Social Affairs, among others, had taken steps to improve the situation of persons with disabilities, who received financial assistance, benefited from customs and car registration tax exemptions, were entitled to free health care and were sometimes given priority in recruitment processes. Public facilities and spaces had also been modified in the interests of accessibility.

30. Strong measures were being taken to combat discrimination and bigotry. There was gender equality in the classroom, all schoolchildren had access to the same opportunities and there was no discrimination when it came to tuition fees. In addition, many projects had been launched to raise young people's awareness of religious diversity and to encourage tolerance and interfaith dialogue.

31. Pursuant to a decree passed in 2008, a department had been set up within the Internal Security Forces to raise awareness of human rights, particularly among police officers. Laws had been amended to stimulate the dissemination of information on human rights, publications had been circulated and workshops had been organized in cooperation with local, regional and international bodies.

32. The establishment of a social security programme had been proposed in order to grant universal access to health care in public hospitals, including Rafik Hariri University Hospital, and to provide meals through government funding and civil society assistance.

33. Primary and secondary education were compulsory, and social workers delegated by the Ministry of Education and Higher Education could compel parents to send their children to school. Against all the odds, Lebanese citizens were striving to attain their goals, a task made easier by the sense of solidarity that they displayed and by their love of life.

34. A parliamentary human rights committee was studying the draft national human rights plan that had been tabled for discussion in Parliament in 2012, with a view to implementing its provisions. The committee was also working to mainstream human rights in school curricula and to foster a culture of human rights at all levels of society, in close cooperation with non-governmental organizations (NGOs). A bill on the creation of a national committee to combat racial discrimination and promote gender equality had been brought before Parliament.

35. The torture of prisoners was prohibited, and a person could be deprived of his or her liberty only by court order. In one noteworthy case, a prison officer found guilty of committing torture had been sentenced to imprisonment and stripped of his pension rights. In that connection, Lebanon had acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2008.

36. **Ms. Bou Hamdan** (Lebanon) said that, despite the challenging circumstances faced by the country, the Ministry of Social Affairs was cooperating with national and international NGOs to guarantee the full enjoyment of economic, social and cultural rights by women and other vulnerable groups.

37. To that end, a project had been carried out in cooperation with the Italian Government to encourage women's participation in local development and governance, media campaigns had been conducted to urge political parties to nominate women candidates, and training sessions had been organized to strengthen the capacity of those candidates. A recent parliamentary seminar on increasing women's political involvement had been attended by some 250 women from across the political spectrum, and the Government had funded efforts to raise public awareness of the role played by women in municipal councils.

38. A project entitled "Gemaissa" had been launched with the support of the Italian Agency for Development Cooperation to empower women by ensuring their effective participation in local decision-making and strengthening their capacity as part of efforts to boost food security and environmental sustainability. Other initiatives had been undertaken to promote rural income-generating activities and to facilitate the access of women farmers to markets.

39. Steps had been taken to raise awareness among women of their social rights and among men of their role in fostering gender equality. Moreover, women had been encouraged to participate more actively in political decision-making by sharing their expertise and best practices. A platform had been created to ensure that women's voices were heard by local councils and development bodies, and vocational training sessions had been organized for women across the country.

40. The Government had realized that it could use the assistance provided in response to the Syrian crisis to upgrade national infrastructure and thereby ensure better protection for marginalized groups during the post-crisis period. Accordingly, since October 2014, the Ministry of Social Affairs, in partnership with the United Nations Children's Fund and with funding from the European Union, had been implementing the National Plan for the Protection of Women and Children, with a view to strengthening its sectoral oversight and regulation with regard to child protection, gender-based violence and the provision of direct support services for families.

41. **Mr. Arafa** (Lebanon) said that Lebanon had acceded to the United Nations Convention against Corruption in 2009 and that several bills had been proposed on access to information, conflicts of interest, unjust enrichment and the protection of whistle-blowers. A bill had been drafted to bring the Code of Criminal Procedure fully into line with the Convention, and proposals had been made to strengthen the role of the anti-corruption authority. In 2015, a law had been adopted on the exchange of tax information with a view to tackling money laundering and terrorism financing, in line with recommendation No. 6 of the Financial Action Task Force. It should be noted, however, that the Syrian civil war had hindered efforts to prevent corruption and that the adoption of important bills had been delayed by the problems affecting Parliament, which had not met for some time. The national anti-corruption authority had yet to be established, but a ministerial committee had been set up to design an action plan and set objectives, in order to meet the State's commitments in that domain. That being said, other oversight bodies already existed, so it was not correct to say that corruption was rampant.

42. **Ms. Abbas** (Lebanon) said that the Office of the Minister of State for Administrative Reform was developing an anti-corruption strategy, several ministries had signed memorandums of understanding in that regard, and NGOs played a significant role in monitoring corruption. While it was true that the public debt had grown owing to the regional situation and the influx of refugees, Lebanon had always honoured its financial obligations and paid off its debts in a timely manner. She stressed that the international community had promised aid to help the country deal with its extraordinary circumstances, but in reality only minimal amounts had been received. There was no national budget per se; rather, the Government had the authority to channel funds wherever necessary. Nevertheless, efforts were being made to ensure transparency and accountability.

43. Public sector wages were paid systematically and regularly. No worker, whether in the public, private or informal sector, could receive less than the minimum wage. Workers in the informal sector were included in the social security scheme, which provided medical coverage and family allowances, among other benefits. Registered Palestine refugees also benefited from the scheme. Everyone was entitled to medical care.

44. **Mr. De Schutter**, citing the State party's reply to question 25 in the list of issues, on child labour, invited the delegation to comment on why entire sectors fell outside the remit of the labour inspection services or were unregulated altogether. In relation to the National Poverty Targeting Programme, he asked what criteria were used to appropriately target support, what measures were taken to ensure that targeting did not result in the under-inclusion of low-income households, how potential beneficiaries were informed of their entitlement to support, and what complaints mechanism was available to those who were unjustifiably excluded. Given rapidly escalating rents, he wished to know what steps were being taken to ensure that housing remained affordable, especially for marginalized groups, and whether there were plans to review the Rent Act to bring it into line with international standards on eviction, including the Committee's general comment No. 7 on forced evictions. He enquired about the measures adopted to overcome difficulties in providing safe drinking water and to prevent the spread of diseases as a result of the waste management crisis. He would appreciate information on whether Palestine refugees had

access to an income with which to pay for food, basic shelter, sanitation and essential drugs, and whether the support they received from the United Nations Relief and Works Agency for Palestine Refugees in the Near East was sufficient. He also asked how the State party intended to improve the overall conditions in refugee camps and informal settlements, to ease restrictions on the movement of people and goods in and out of the camps, and to remove obstacles that prevented Palestinians from acquiring real estate. Lastly, he wished to know what efforts were being made to expand primary health-care coverage and reduce the quality gap between health care provided in private and public facilities.

45. **Mr. Abashidze** invited the delegation to reply to all the unanswered questions on articles 13 to 15 contained in the list of issues. Referring to Act No. 686 of 1998 and Act No. 150 of 2011, he asked whether primary and basic education were the same thing and whether the free and compulsory nature of education applied only to Lebanese children or to foreign and minority children as well. He wished to know, disaggregated by nationality, what proportion of students were in public versus private schools and what the dropout rate was, whether it was true that a growing number of children attended private school and, if so, why. He enquired about the educational situation of children with disabilities. Lastly, he asked what law governed the legal status of ethnic minorities, whether there was an exhaustive list of those groups, and what the Government was doing in practice to support the cultural life of minorities, such as the Dom, Turkmen and Bedouins.

46. **The Chair** said that, while he welcomed the considerable efforts the State party was making to combat corruption, it would be useful to have information on whether any corruption charges had been brought against officials. Referring to the Arab League instruction not to grant citizenship to Palestine refugees, he requested clarification of the State party's position with regard to the Covenant's rank in the domestic legal order. He asked whether waste water continued to be dumped into the sea and what attempts were being made at the national level to resolve the chronic electricity outages.

47. **Ms. Abbas** (Lebanon), resuming her replies regarding health coverage, said that health care was ensured for all Lebanese through one provider or another, or through a family member's insurance package. The Ministry of Public Health was developing a plan to provide coverage to persons over 64 years old who were not covered under a relative's insurance and to cover the medication costs of those suffering from chronic illness. The problem in Lebanon was not a shortage of medical insurers but, rather, that it was difficult to regulate the plethora of insurance providers. In that connection, social media played an important oversight role by enabling users to rate providers. The Lebanese health system was perhaps not up to the standard of Scandinavia, for example, but the Government was doing its utmost given the country's difficult circumstances and the failure of the international community to honour its obligations towards it.

48. The influx of refugees was also having a negative impact on State revenue and employment because refugees tended to set up businesses without a licence, did not pay taxes and occupied local jobs. Nevertheless, the Government was developing strategies to promote employment, provide financial assistance to certain sectors and create jobs, especially in areas where large numbers of young people were joining terrorist groups. In addition, some institutions granted credit to entrepreneurs. The Government was also striving to open new markets for Lebanese products. In that connection, she called on the international community not to restrict Lebanese exports. Many development plans had been put on hold because of the drain on State funds caused by insecurity in the region.

The meeting rose at 6 p.m.

**Economic and Social Council**

Distr.: General
30 September 2016

Original: English

Committee on Economic, Social and Cultural Rights**Fifty-ninth session****Summary record of the 62nd meeting**

Held at the Palais des Nations, Geneva, on Tuesday, 27 September 2016, at 10 a.m.

Chair: Mr. Sadi

ContentsConsideration of reports (*continued*)

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

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The meeting was called to order at 10.05 a.m.

Consideration of reports (continued)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Second periodic report of Lebanon (continued) (E/C.12/LBN/2; E/C.12/LBN/Q/2 and Add.1)

1. *At the invitation of the Chair, the delegation of Lebanon took places at the Committee table.*
2. **Ms. Riachi Assaker** (Lebanon) said that there were currently 1,600,000 Syrian refugees present in Lebanon, around 73 per cent of whom were women or children. Consequently, the country had one of the highest population densities in the world, at 400 inhabitants per square kilometre. Of the 500,000 Syrian children of school age in Lebanon, over 150,000 were provided with education. The Syrian refugee population was spread out across 1,700 locations, including 360 poor communities. In some places, Syrians outnumbered the local population. Almost half of the refugees were young workers, who competed with Lebanese nationals in a number of sectors. Unemployment in Lebanon had risen to 35 per cent since the beginning of the Syrian refugee crisis. Consequently, the Government of Lebanon could not be expected to provide equal job opportunities for Syrian refugees, as even Lebanese citizens currently had difficulty finding employment. Although Lebanon was not party to the 1951 Convention relating to the Status of Refugees, the country had never closed its borders to refugees and had done much more to alleviate their suffering than many States parties to that instrument. In order to protect the Lebanese model of coexistence between different communities, Syrian refugees had been granted temporary, rather than permanent, residence in the country. The international community's response to the Syrian refugee crisis had been disappointing and marked by broken promises.
3. **Mr. Arafa** (Lebanon) said that Palestine refugees, who had been accorded special status under international law as a result of the atrocities committed against them by the forces occupying their land, did not fall within the scope of article 1 (D) of the 1951 Convention relating to the Status of Refugees and, consequently, could not be integrated into the local population of a given host country on a permanent basis. Furthermore, resolution 194(III) of 1948 of the General Assembly of the United Nations called for the refugees to be allowed to return to their homes and, where necessary, to be paid compensation.
4. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) had been set up to provide assistance to Palestinians housed in official refugees camps. However, the Agency, which did not run the camps itself, was underfunded, lacked support and had been obliged to shut down some of its programmes, including a certain number in the occupied Palestinian territories. Lebanon could not be expected to shoulder the responsibilities of the international community in that regard.
5. As to the general legal framework covering Palestine refugees in Lebanon, the State party had opened its borders to that population group before the 1951 Convention relating to the Status of Refugees had even existed. At that time, no one could have predicted that, seven decades on, the Palestine refugees would still be waiting to return home. Repeated acts of aggression against Lebanon carried out by Israel had made it impossible for Lebanese legislators to examine the legal framework governing the refugees, who were currently viewed either as Arab nationals, foreigners or stateless persons. A Palestinian-Lebanese committee attached to the office of the Prime Minister had been set up in 2005 to discuss issues related to the refugees.

6. Official Palestine refugee camps were located on land allocated for that purpose at considerable expense to the State. The Government provided free basic services, such as electricity, waste collection, sanitation and drinking water, within those camps. In 2007, the Government, UNRWA and a number of donor countries had launched an initiative designed to improve living conditions in a number of Palestine refugee camps through the renovation of infrastructure and accommodation. The Government lacked the resources to improve conditions in the unofficial camps, which were home to 40 per cent of all Palestine refugees present in the State party. Act No. 296 of 2001 prohibited foreign nationals from acquiring real estate in Lebanon, although Palestinians could inherit land and housing. The Department of Health and UNRWA had signed an agreement on access to public hospitals for Palestine refugees, under which the State paid 25 per cent of any corresponding medical fees, exempted the drugs used from tax and met the cost of dialysis, vaccinations and certain treatments for chronic illnesses. Palestinians were free to move throughout the country and official and unofficial refugee camps, and they were currently being issued with biometric travel documents that met international standards. Lebanese security force checkpoints had been set up at the entrances to refugee camps where wanted criminals were present. Around 5,000 Palestinians who had recently arrived in Lebanon, either legally or illegally, had been issued with identity cards allowing them to move freely within the national territory and to access the services provided by UNRWA.

7. **Ms. Slaylati** (Lebanon) said that, in line with the official stance of the League of Arab States, most Arab countries provided humanitarian aid and social assistance to Palestine refugees but did not grant them citizenship, for fear of diluting their national identity and of lessening the likelihood of their returning to their country of origin.

8. The Government had put in place policies guaranteeing affordable accommodation for all and ensuring that evictions were carried out in accordance with international standards. Members of the public wishing to purchase homes could obtain credit through a number of banks and funds and had access to 20-year mortgages. Young persons, members of the armed forces and civil servants benefited from special housing loans. A number of religious organizations had built affordable housing in semi-rural areas. Persons left homeless or displaced by conflict in the State party received funding to rebuild their houses, construct new accommodation or return home. The Government of Italy had donated €5 million to reconstruction efforts in the State party. An agency responsible for displaced persons had begun building a large number of apartments in Tripoli. The Council of the South had been set up to provide the inhabitants of southern Lebanon with social services and compensation, enabling them to repair the damage wrought upon their homes by the Israeli armed forces. A number of agreements had been signed between national banks and public bodies related to the provision of housing loans to Lebanese displaced persons. Homeownership was common in Lebanon. During the Lebanese civil war, tenancy agreements had been automatically extended, regardless of their terms. In 1992, legislation had been introduced extending all tenancy agreements predating 23 July 1992 and indexing them to fluctuations in living costs. Under the Rent Act of 2014, the above-mentioned tenancy agreements could be extended for a maximum of nine years, during which period evictions were only authorized in cases of demolition or for family reasons and evictees must be paid compensation. Furthermore, the amount of rent due was gradually increased. The Act also made provision for a fund to assist tenants earning more than double but less than triple the minimum monthly wage and for a further extension of their tenancy agreements by three years. However, owing to the current refugee crisis affecting the State party, the fund had not yet been set up. The parties to tenancy agreements signed after 23 July 1992 enjoyed significant freedom in setting the terms of those agreements.

9. There were significant and increasing numbers of street children as a result of the large number of Syrian refugees entering the country. The Government's efforts to combat

the phenomenon included ratification of the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography, creation of the Supreme Council for Childhood and coordination with international organizations. The vast majority of street children were Syrian, and the Government endeavoured to protect them and reintegrate them into society, regardless of their nationality. The courts had intervened in cases involving street children on several occasions, and if parents were to blame, they could be prosecuted and their children placed in an institution. There was also a large-scale campaign to take children off the streets, as well as renewed efforts to prevent trafficking. Lebanese street children were protected by social protection measures such as placement with family members and designation of a social worker to monitor their case.

10. Children could lodge complaints of abuse, and general child protection measures included: guidelines for those working in the field; the raising of the age of majority to 18 years; stricter sanctions for crimes against children, particularly child pornography; medical reports for all children, regardless of nationality; and a television programme to raise awareness of the need to protect children. Girls and boys could enjoy their rights equally, and the number of images and films depicting the exploitation of girls had decreased. The Government had adopted a policy to reduce the number of families living in poverty.

11. **Ms. Bou Hamdan** (Lebanon) said that efforts to assist children who had been taken off the streets were hindered by a lack of institutions providing services for them, a problem that was worsened by the increasing proportion of Syrian street children. Work was therefore being undertaken with international organizations to secure financial support for such institutions.

12. With the assistance of grants from international donors, the Government had established a social security network and a programme to support the poorest Lebanese families. A family's poverty level, and therefore its entitlement to assistance from the programme, was measured through a range of social and economic indicators. Families living below the poverty line benefited from services including medical insurance and a monthly allowance. In total, the programme assisted around 460,000 families.

13. Persons with disabilities received assistance from the Ministry of Social Affairs, which contracted the services of specialized organizations. A programme was in operation to guarantee the rights of persons with disabilities by issuing cards that entitled them to free institutional care and services. Almost a third of the programme's staff had a disability. There was also a centre that worked to overcome the barriers to mainstream education faced by persons with disabilities. Support had been given to the mechanisms that guaranteed free access to health care for persons with disabilities, who also enjoyed other benefits, such as exemptions from municipal taxes. The Government bore the cost of housing for persons with disabilities who could not be cared for at home; there were currently over 18,000 persons living in institutions. However, increased funding for services for persons with disabilities was needed.

14. **Ms. Al Hajj** (Lebanon) said that the State party interpreted cultural rights broadly and prioritized respect for different cultures. Some minorities, such as the Kurdish community, were accordingly entitled to Lebanese citizenship and could practise their traditions freely, while sharing their culture with the wider society. Scholars and artists from those minorities were supported by the Ministry of Culture and could receive grants from an artists' solidarity fund. Although many gypsies and Bedouin held Lebanese citizenship, they did not enjoy cultural rights because of the equivocal attitude of Lebanese society.

15. **Ms. Georges El Khoury** (Lebanon) said that education was mandatory and free of charge. There was no conflict between Acts Nos. 686 and 150, although the latter had extended the age range for mandatory education and merged primary and intermediate education into a single category, "basic education", covering nine years. The Government was considering making early childhood education mandatory. Secondary and vocational education were important because they enabled students to access tertiary education.

16. Approximately one million pupils were attending schools in the country, whether public schools (1,246), free private schools subsidized by the Government (368) or fee-paying private schools (1,194). Enrolment rates for primary education were increasing and were currently around 90 per cent. However, rates for secondary education were decreasing because children in poor families were required to work. Most children who did not attend school lived in remote areas, which were targeted by campaigns at the beginning of each academic year.

17. Refugees made up approximately half of the country's population of school age and around two thirds of the pupils in public schools. The consequent strain on resources had hampered improvements to the education system. Measures were required to make curricula more interactive. Despite the refugee crisis, the State party was a leader in providing education for refugees and had developed a strategy in partnership with the United Nations and other donor States to ensure that all children received an education.

18. There were around 45,000 teachers working in the private sector. In the public sector, there were just over 70,000 permanent and just over 13,000 contractual teachers at the primary level, and more than 5,000 permanent and around 5,500 contractual teachers at the secondary level. A total of 2,170 people had passed an examination for secondary school teachers held in 2015, and plans were under way to help them into work. A centre for continuous training provided in-service training opportunities for teachers in order to improve the quality of education.

19. The Government bore the financial burden of educating the 63 per cent of students in public schools who were not Lebanese. The education authorities gave priority to Lebanese nationals during enrolment. A total of 90 schools had introduced an afternoon shift to accommodate the increased numbers of students. At all schools where refugee children were enrolled, healthy snacks were distributed and health-care counsellors provided outreach services on issues including drug use, reproductive health and nutrition.

20. The Ministry of Education and Higher Education worked in partnership with the Ministry of Social Affairs and civil society organizations to facilitate the integration of children with disabilities into mainstream schools and to ensure that the necessary equipment and infrastructure were in place. Support teams worked to help children with learning difficulties to integrate with their classmates. The Government was making efforts to implement programmes on, inter alia, the dangers of the Internet, conflict resolution and the development of life skills. Policies on bullying and on social and psychological support were also in preparation.

21. **Mr. Raad** (Lebanon) said that Lebanon had ratified all but one of the fundamental conventions of the International Labour Organization. The Ministry of Economy and Trade and the World Bank had collaborated on a pilot project to create jobs in the north of the country, which was to be replicated in other regions. The unemployment rate was 25 per cent, and no unemployment benefits were available. While companies were obliged to fulfil quotas on the number of persons with disabilities in their employ, the relevant oversight bodies did not have the power to punish those companies not meeting the quota. No statistics were available in that regard. National legislation gave priority to Lebanese citizens in the labour market. Labour inspectors had the authority to visit businesses and ensure that they were adhering to legislation on the minimum wage; however, proper

functioning of the inspections and oversight by the Ministry of Labour were hampered by a lack of personnel. There were currently 26 inspectors; a request to increase their numbers had not been approved by the Government.

22. While there had never been delays in wage payments, the authorities were currently operating a temporary scale, since the last budget had been adopted in 2005. With regard to verbal labour contracts, inspectors had the authority to conduct unannounced visits and to impose sanctions, including fines, on any employers failing to meet their legal obligations. The rights of persons working in the informal economy, such as street vendors and domestic and agricultural workers, were not protected by legislation. Amendments to the kafalah system had recently been proposed with a view to improving conditions for domestic workers, with no distinction made between Lebanese and foreign workers; that issue had been addressed in bills of law that were pending approval by Parliament.

23. While workers in the private sector had the right to join unions and to strike, foreign citizens were not allowed to vote in internal union ballots. Workers in the public sector did not have the right to strike. Members of the civil servants' association had participated in protests even though there were no legal provisions in place allowing them to do so; the authorities had turned a blind eye to such instances.

24. Approximately half of the population had medical coverage from one of the social security institutions. The Ministry of Health had recently removed charges for hospital stays for persons over the age of 74 years and had approved comprehensive health-care coverage for the most needy. Improvements had been made to medical services in the poorest parts of the country.

25. **Mr. De Schutter**, noting the onerous process that low-income families were required to go through in order to access cash transfer programmes, drew the delegation's attention to paragraph 17 of the Committee's statement on social protection floors (E/C.12/2015/1).

26. **Ms. Bras Gomes** noted the commitment made by the State party at the Supporting Syria and the Region conference in February 2016 to waive the "pledge not to work" requirement for Syrians and ease their access to jobs in sectors where they would not be in direct competition with Lebanese workers, such as agriculture and construction. Recognizing that the international community had not provided the State party with the funding it needed, she wished to know how the Government could better allocate the limited resources at its disposal to foster local development in ways that would benefit both the Lebanese and refugee populations.

27. **Mr. Martynov** asked whether any further changes had been implemented with regard to the minimum wage since the previous review of it in 2012.

28. **Mr. Kerdoun** asked whether the Government intended to remove the provisions allowing the use of corporal punishment in schools. He also wished to know what kind of citizen the Government wanted its education system to produce. How did the State party intend to foster cohesion in the education sector, and what role could education play in building a fair and cohesive society?

The meeting was suspended at 12.05 p.m. and resumed at 12.20 p.m.

29. **Ms. Abbas** (Lebanon) said that medical services were widely available in Lebanon. Public and private hospitals were governed by an accreditation system under which the Government established contracts with them. Hospitals were assessed on an annual basis and competed to obtain the best rankings in the assessment system. Medical care was provided to Palestine refugees through UNRWA and the Ministry of Health: 100 births per day among refugees were attended to, and medicines and treatment were provided for all chronic diseases or serious illnesses. The Ministry of Health provided health care to the

unemployed and other citizens at medical centres throughout Lebanon. Domestic workers could also access medical services through their employer.

30. Small and medium-sized enterprises were a pillar of the Lebanese economy, and plans were in place to improve the way in which they were organized. The Ministry of Economy and Trade provided such companies with loans, technical assistance, vocational training and protection against bankruptcy. A decree was being drafted to address the needs of all small companies and micro-enterprises, and a department was being set up within the Ministry of Economy and Trade to support them. An observatory or monitoring centre for small and medium-sized enterprises had been established, and such companies also received technical support from international organizations.

31. Contrary to what had been asserted by one Committee member, waste was not dumped in the sea but placed in landfills. When a landfill site was full, it was buried and isolated from the surrounding environment. Steps would be taken to increase the capacity of existing landfill sites, and plans were in place to move waste from a site that had been closed to two new State-funded sites, where environmental impact assessments would be carried out. Measures had been taken to protect the sea from leakage from landfill sites.

32. Lebanon was known to be a creative country, and the Government had implemented several large and small programmes to stimulate creativity, prioritizing projects that offered a high level of added value, such as those involving scientific research or technology transfer. The Bank of Lebanon had made interest-free loans available to fund such projects. Meetings had been set up between artists, industrialists, public institutions and potential investors in order to develop a project that would support creative endeavours sponsored by engineers and manufacturers. Small grants were made available to support start-ups, and the Ministry of Economy and Trade had drawn up a draft law that would exempt students from fees for registering patents.

33. Corruption was a global problem that affected all countries. In order to tackle the problem in Lebanon, a large number of bodies monitored the use of public funds. In particular, an accountability body existed to investigate violations with regard to implementation of the budget and refer the perpetrators either to audit courts or to the public prosecutor. All public officials who used public funds for illicit ends were held accountable.

34. Several medical doctors and education officials had been brought before the courts for misuse of public funds. Tenders for public projects, including one for the new landfill sites mentioned earlier, were scrutinized by monitoring organizations, and some had been rejected on the grounds that the proposed cost to the State would have been excessively high. A former Minister of Agriculture had been found guilty of bribery and sent to prison, and the President of the Refugee Fund had been imprisoned for misuse of public funds. Lebanon had adopted many regulations aimed at tackling corruption. In order to increase transparency, a number of ministries had signed agreements with civil society organizations. The Ministry of Economy and Trade had established the Consumer Protection Directorate, which audited institutions and companies in order to protect consumers. A partnership programme had been launched which enabled students to serve as trainee inspectors and accompany official inspectors on auditing missions. Over 800 students had participated in the programme over the previous two years.

35. Great difficulty was experienced in providing 24-hour electricity across the country. However, work was being carried out to create environmentally friendly power plants that were expected to be in operation by 2017. In the meantime, alternative means of generating electricity had been set up that would bridge the gap in supply until the power plants were built. The Ministry of Energy and Water planned to obtain 20 per cent of the country's power from renewable sources, including solar energy, by 2020. Other projects to create or

rehabilitate power plants were under way in different parts of the country but were hampered by financial constraints brought about, in part, by the enormous burden placed on Lebanon by the refugee crisis. However, plans which the Government had been unable to carry out were fulfilled by civil society through public-private partnerships.

36. The minimum wage had been established in 2012 and a new pay scale for the public sector had been drawn up. Any failure to implement government plans in that regard had been caused by the financial problems that Lebanon was experiencing, which were exacerbated by the closure of the border with Syria, the non-customs tariffs imposed on Lebanese exports and the failure of other countries to honour trade agreements.

37. **Ms. Riachi Assaker** (Lebanon) said that the urgency of the need to address the issue of refugees and displaced persons was reflected by the fact that both the Secretary-General of the United Nations and the President of the United States of America had called for summits to be held on the issue. The London Conference had issued many recommendations about the steps that should be taken to tackle the refugee crisis. However, 80 per cent of the outcomes of the Conference had not been acted on. In particular, the international community had failed to fulfil its pledges to support the host countries. Lebanon called on the international community to make good its promises and act on the decisions taken at the London Conference and other earlier conferences.

38. **Ms. Bou Hamdan** (Lebanon) said that inspectors and investigators from the Ministry of Social Affairs conducted visits to families, in collaboration with local authorities, in order to assess their financial situation. The information gathered was subsequently placed in a centralized database. All families were entitled to request an electronic card and could appeal against the decision once if their request was turned down. The information gathered through the project was periodically reviewed, and representatives of the Ministry visited the families who had been granted cards to ensure that they had a genuine need for them. Owing to the constraints placed on the Government by the crisis in the region, the financial support provided to low-income families was minimal and did not cover their needs. However, the Government was working with the World Bank in order to obtain additional funding.

39. **Ms. Riachi Assaker** (Lebanon) said that the many difficulties faced by Lebanon would not prevent it from fulfilling its commitments under the Covenant. Although the delegation's replies to the list of issues had not always been exhaustive, Lebanon was fully committed to respecting human rights and would continue to cooperate with the United Nations and other international organizations.

The meeting rose at 1 05 p.m.



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Committee on Economic, Social and Cultural Rights Fifty-ninth session

Summary record of the 63rd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 27 September 2016, at 3 p.m.

Chair: Mr. Sadi

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Fourth periodic report of the Dominican Republic

This record is subject to correction.

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The meeting was called to order at 3.05 p.m.

Consideration of reports (continued)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Fourth periodic report of the Dominican Republic (E/C.12/DOM/4; E/C.12/DOM/Q/4 and Add.1)

1. *At the invitation of the Chair, the delegation of the Dominican Republic took places at the Committee table.*
2. **Ms. Abreu de Polanco** (Dominican Republic) said that the State party's Constitution of 2010 (amended in 2015) defined the Dominican Republic as a social and democratic State, whose essential function was the effective protection of the rights of the human person. It promised fair treatment for all by the public authorities, so that all individuals might live with dignity. Official statistics showed that monetary poverty in the country had declined markedly in both urban and rural areas over the previous three years, per capita income had risen by an annual average of 3.8 per cent and the Gini coefficient had posted a marked improvement since 2014. Furthermore, the country had met the Millennium Development Goal targets of halving hunger and reducing chronic undernourishment among children.
3. Act No. 1-12 on the National Development Strategy for 2030 stipulated that a human rights approach must be included in all plans, programmes, projects and public policies, with a view to identifying rights violations and contributing to equity and social cohesion. A Directorate-General for Human Rights had been created within the Ministry of Foreign Affairs, and a national human rights plan had been formulated. Through the application of a cross-cutting human rights policy, the State sought to build on the positive outcomes achieved in the sectors of health, education, food, housing and citizens' security. The 2010 Constitution had recognized the importance of the right to water as part of the right to comprehensive health care, and the Government had adopted a number of related initiatives, including sponsoring resolutions submitted to the Human Rights Council and in the Third Committee of the United Nations General Assembly.
4. The Constitutional Court had declared the Act establishing the new Criminal Code — which would have criminalized abortion in all settings — to be unconstitutional and had ordered that the previous Code remain in effect. Accordingly, the proposed amendments held no legal force and Congress was studying a bill to decriminalize abortion in specific cases. It was true that the Dominican Republic had one of the highest rates of adolescent pregnancy in Latin America and the Caribbean, with greatest prevalence among lower income families. Several programmes to tackle the problem had been launched under the National Plan for the Prevention of Teenage Pregnancies, led by the Ministry of Women. Substantial funding had been earmarked for 2016, including US\$ 1.65 million for the purchase of contraceptives. Other actions included building the Centre for the Promotion of Comprehensive Adolescent Health, with support from the Korea International Cooperation Agency, and the educational and awareness-raising activities undertaken by the Centre for the Promotion of Sexual and Reproductive Health.
5. In combating poverty and food insecurity among the most vulnerable groups, the Progress with Solidarity Programme aimed to lift over 400,000 families out of extreme poverty, help 1.5 million poor people move into the middle class and provide cash cards to 200,000 new families under the Solidarity conditional cash transfer programme. The Surprise Visits initiative, created by the President, offered disadvantaged groups a variety of measures, such as soft loans for small agricultural producers. The Government's flagship

housing project aimed to regenerate the La Barquita neighbourhood of Santo Domingo, building 1,630 housing units for over 5,500 people, supplemented by commercial premises, health facilities, cultural amenities and transport infrastructure. The Government had set up a fund to help people buy their first home, with emphasis on improving access to financing for lower income groups, and had enacted legislation on affordable housing.

6. The Government was engaged in reforming and modernizing the health-care sector with a plan that drew on the action lines set forth in various national and international instruments and commitments, focusing on maternal and infant mortality, preventable diseases, dengue, malaria, tuberculosis, HIV/AIDS and zoonoses, and based on an approach of strengthening primary health care, raising levels of immunization, and improving access to medicines, care infrastructure and budget implementation.

7. The annual budget of the Ministry of Education had been increased to 4 per cent of gross domestic product (GDP) in 2012. As a result, a national school-building programme had been launched: 29,000 new classrooms would be constructed by the end of 2016 and teaching activities would be extended to eight hours per day. Efforts had continued in implementing the early childhood care programme, which benefited 90,000 children under the age of 5 years, and the national literacy plan, which had enrolled 762,539 people. The State continued to support the development of teaching careers by offering grants for higher technical, graduate and postgraduate study.

8. A survey conducted by the National Statistical Office in 2009-2010 had determined that 304,000 children between the ages of 5 and 17 years were engaged in child labour; that represented a 33 per cent fall over a ten-year period in the proportion of children affected. The Government had launched a number of initiatives designed to eradicate child labour, including a road map and a long-term strategy coordinated by the Ministry of Labour and the National Children's Council.

9. The Government had taken important steps to extend the coverage of social security, to improve the targeting of conditional transfers and to improve education and access to health care and essential medicines. The country had strengthened its democracy and the rule of law thanks to public policies and institutional developments that allowed it to achieve the full enjoyment of economic, social and cultural rights.

10. **Mr. Uprimny** (Country Rapporteur) said that he was pleased to note that the State party had presented its report on time. It had made great strides in the realization of economic, social and cultural rights, notably through the adoption of the 2010 Constitution. Another positive aspect was the country's uninterrupted period of democracy, together with robust and sustained growth. However, a lack of precise information on certain issues suggested a disconnect between human rights policies and the collection of statistics. Institutional ambiguities prevailed regarding the applicability of economic, social and cultural rights, and poverty remained persistently high, in view of the country's per capita GDP. There were also acute problems with socioeconomic inequality and discrimination against persons of Haitian origin, women and the lesbian, gay, bisexual and transgender (LGBT) community.

11. In the light of claims that civil society had not been consulted, the delegation should provide clarification on the approach taken in drafting the report. Secondly, the report and many of the replies to the list of issues focused on institutional and legal developments, but were lacking in statistical data on the impact of programmes and on the effective enjoyment of rights. It was thus unclear how the State party had produced human rights-sensitive statistics, for example through disaggregation by race, gender or sexual orientation, to inform its public policies. A third concern related to the status of the Covenant in the domestic legal order: the Committee wished to receive specific examples of cases in which economic, social and cultural rights had been protected by judges, particularly in light of

the recent problematic judgments of the Constitutional Court. The Committee would also be grateful for further information concerning guarantees of judicial independence, considering that appointments to the Supreme Court of Justice and the Constitutional Court were made by the Council of the Judiciary, whose members were largely drawn from political backgrounds.

12. The State party should also respond to the Committee's questions regarding the mandate of the Office of the Ombudsman, whether that body was empowered to monitor compliance with economic, social and cultural rights, and whether the State party had undertaken any efforts to guarantee its compliance with the Paris Principles. An important issue in terms of institutional recognition of rights and the obligation to provide the maximum of available resources was that of corruption, of which there was a comparatively high level in the State party, according to reports. Given that the replies to the list of issues included only generic responses on preventive measures, the Committee would appreciate information on any specific actions that were envisaged to investigate and sanction cases of high-level corruption.

13. He also wished to know whether and how the State party planned to create a fairer, more progressive tax system with a view to increasing investment in social programmes. Noting that the article of the Constitution which enshrined the right to equality was in a section devoted to civil and political rights, he asked whether a similar provision existed in relation to economic, social and cultural rights. The delegation should describe the Government's stance on the Discrimination Bill and state whether the Bill expressly prohibited all discrimination, in keeping with article 2 (2) of the Covenant. He would also appreciate an update on the status of the bill on comprehensive equality and non-discrimination drafted by the National HIV/AIDS Council in consultation with civil society. It would be helpful to know whether the State party intended to adopt a specific law to combat discrimination against LGBT persons, and what steps it was taking to prevent discrimination on the grounds of sexual orientation or gender identity in the implementation of general laws.

14. He asked whether the Government planned to act on a recommendation of the National Statistics Office to include an ethnic/racial variable in population and housing censuses, which would shed light on the existence or otherwise of discrimination against people of African descent. He also requested details of the measures adopted to restore or grant Dominican nationality to all Haitians who had been stripped of nationality pursuant to Constitutional Court ruling TC/0168/13. The regularization of foreign nationals was particularly important given that article 22 of the Constitution provided that only citizens could report misconduct by public officials. Lastly, noting that women remained underrepresented in high-level positions despite the enactment of a law on quotas, he asked what specific strategies were in place to rectify the situation.

15. **Ms. Bras Gomes** said that she would welcome information on the impact of the State party's strong economic growth on labour market policies and on the size of the informal sector. She sought confirmation of the exact unemployment rate and asked whether it was true that there was a high underemployment rate. If so, it would be useful to hear what changes were envisaged to employment policies and programmes in order to reduce that figure. She wished to know how many free economic zones there were in the State party, how many persons worked in them and whether their labour conditions had been assessed. She would also appreciate a description of the arrangements in place for the implementation of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). She invited the delegation to comment on whether minimum wages were sufficient, whether the Government had set up a system of indexation and regular adjustment of minimum wages to the cost of living and, if so, when the next review of minimum wages was scheduled to take place.

16. She requested information on measures to promote gender equality in the labour market and women's access to social security, on the level of compliance with the employment quotas for persons with disabilities in the public and private sectors, and on the impact of measures to combat youth unemployment. The delegation should also indicate whether the concept of equal pay for work of equal value was taken into account when salaries and other work-related benefits were determined and what was being done to strengthen work-related anti-discrimination regulations in order to combat all explicit and implicit forms of discrimination in the workplace. She would also be interested to find out whether sexual harassment was a criminal offence and what sanctions were imposed on perpetrators. The delegation should explain whether the requirement that a trade union should represent an absolute majority of the workers in an enterprise or branch of activity in order to bargain collectively had been relaxed. It should also respond to reports that labour inspectorates were underresourced and lacking in authority.

17. It would be interesting to know the extent of social security coverage and what was done to protect persons who did not have access to work-related social security. The delegation should explain if and how the Government adopted a human rights-based approach to the implementation of the Progress with Solidarity programme, whether any thought had been given to the establishment of a social protection floor and, if so, what purpose the programme might serve in that regard. Lastly, she asked why so many Haitian nationals in the country lacked documentation, specifically passports, which impeded efforts to regularize their situation.

18. **The Chair** said that he wished to know to what extent key government officials were aware of the Covenant.

The meeting was suspended at 4.05 p.m. and resumed at 4.35 p.m.

19. **Ms. García** (Dominican Republic) said that the information contained in the reports submitted by the Government to the human rights treaty bodies was validated by a technical advisory team that included representatives of civil society, the Protestant and Catholic Churches, the business sector and trade unions. The National Development Strategy 2030 was evaluated on a regular basis and monitored using a series of indicators. Its second strategic focus was the construction of a society based on equality of rights and opportunities in which the entire population was guaranteed quality education, health care and basic services, and which worked towards the gradual reduction of poverty and social and regional inequality.

20. **Ms. Abreu de Polanco** (Dominican Republic) said that, pursuant to article 74 of the Constitution, human rights treaties, covenants and conventions signed and ratified by the Dominican Republic had constitutional status and were immediately and directly applicable by the courts and other public bodies. The Council of the Judiciary, which had been established in 1996 and was responsible for the appointment of judges, comprised the President of the Republic, the President of the Senate, a senator from an opposition party, the President of the Chamber of Deputies, a deputy from an opposition party, a secretary from the Supreme Court of Justice and the Attorney General. In the past, the general public had been invited to participate in the appointment process.

21. Although the law on the establishment of the Office of the Ombudsman had been enacted in 2001, the Ombudsman had not been appointed until 2013. The person who held the post was a woman who enjoyed a high level of credibility. The Office's role was limited to issuing recommendations, but it had administrative and budgetary autonomy.

22. **Ms. Liriano De la Cruz** (Dominican Republic) said that poverty and inequality could not be ascribed solely to corruption; they were structural problems. Nevertheless, the current president had made government and personal corruption a priority from the outset of his presidency and, while he was adamant that the executive branch should not intervene

in the work of the judicial branch, he had announced that every effort would be made to avoid impunity. A series of measures had been adopted to monitor and reduce corruption: the Directorate-General of Governmental Ethics and Integrity had been strengthened, ethics and transparency units, each with a box for anonymous tip-offs, had been introduced in all government agencies and a government procurement office had been established. In addition, watchdog groups made up of persons who were not members of the civil service had been formed. Broad national consultations had been held between 2010 and 2012, leading to the formulation of the National Development Strategy 2030, whose chief objective was to expand the middle class through changes to taxation, education and energy policy.

23. **Ms. Abreu de Polanco** (Dominican Republic) said that constitutional provisions on discrimination applied to everyone under the jurisdiction of the Dominican Republic, not only its own nationals. The Criminal Code contained only two articles penalizing discrimination and there was no government policy on the topic, but the human rights unit of the Attorney General's Office was working in conjunction with civil society to draft an anti-discrimination bill.

24. **Ms. Paulino Gómez** (Dominican Republic) said that the 33 per cent quota for women on electoral lists required by legislation had been achieved.

25. **Ms. Alcántara** (Dominican Republic) said that the Ministry of Women had adopted measures to address the gender pay gap and workplace harassment, including the introduction of an equality certificate, to be awarded to businesses in both the private and public sectors that achieved good results in that area. In addition, the Ministry of Labour had run nearly 50 workshops dealing with harassment. Progress with Solidarity was a comprehensive programme that provided allowances and guidance to families living in extreme poverty. Available assistance included help to set up a small business, cover medical costs and bring products to market.

26. **Ms. García** (Dominican Republic) said that families were identified for participation in the Programme through the hunger and poverty maps designed by the Ministry of the Economy, Planning and Development. The Programme had expanded over time to also provide electricity and gas subsidies, as well as conditional education grants, aimed at reducing child labour.

27. **Ms. Abreu de Polanco** (Dominican Republic) said that the Programme had served as a model in a number of other countries in Central America. The social security system consisted of a contributory scheme paid into by salaried workers and employers and a subsidiary scheme financed by the Government to cover disadvantaged and older persons and persons with disabilities.

28. **Mr. Uprimny** welcomed the development of a bill on discrimination. He requested examples of instances where the Covenant had been invoked before the courts and of corruption cases in which legal action had been taken. He asked whether the Office of the Ombudsman had the authority to monitor the situation of economic, social and cultural rights and what steps were being taken to ensure that the Office was in line with the Paris Principles.

29. **Ms. Abreu de Polanco** (Dominican Republic) replied that the Ombudsman had the authority to monitor all human rights and that its accreditation process was under way. Judges did not invoke the Covenant directly because international instruments were incorporated into domestic law.

30. **Ms. Liriano De la Cruz** (Dominican Republic) said that it was not the role of the executive branch to prosecute and punish; therefore, while it could confirm that some

former civil servants were being investigated for possible acts of corruption, the delegation was not in a position to provide any further details.

31. **Mr. Uprimny** stressed that the purpose of the dialogue was to assess how the Covenant was being implemented by the State party as a whole, not merely the executive branch. Accordingly, if data were available on corruption proceedings, they should be shared with the Committee.

32. **Mr. Dasgupta** asked how many cases of sexual violence against children had been investigated and how many prosecutions and convictions had resulted. He said he would be interested to hear whether the absence of a minimum age of consent was an obstacle to prosecuting sexual offences against children and if the Government planned to introduce a minimum age of consent into the Criminal Code. Was the Government contemplating revoking the Catholic clergy's immunity from arrest and prosecution, so that all persons who committed heinous acts, such as the sexual abuse of small children, could be brought to justice?

33. Noting the prevalence of child labour and the high number of children engaged in hazardous work, he would welcome information on the impact of the National Strategic Plan against Child Labour 2006-2016 and the 2014 Plan for the Permanent Eradication of Child Labour and whether the Government intended to raise the minimum age for work. He would also like to know what was being done to reduce poverty, to improve access to clean water and sanitation services in rural areas and to increase the proportion of GDP devoted to health services, including for the provision of generic antiretroviral drugs for persons with HIV/AIDS. Lastly, noting that the Constitutional Court in the Dominican Republic had struck down the law permitting abortions in certain situations, he asked how the State party intended to comply with its obligations under the Covenant. Criminalization of abortion was a gross violation of women's and girls' right to sexual and reproductive health and led to higher rates of maternal mortality, particularly among teenage girls.

34. **Mr. Mancisidor de la Fuente** said that he had been struck by the absence of data in the State party report and had not been able to find the relevant information on the United Nations Educational, Scientific and Cultural Organization (UNESCO) or World Bank websites either. Was that due to the State party's reluctance to share such information or to a lack of data collection in the country? He had nevertheless noted that only 4 per cent of GDP was spent on education, a figure below the global average, and he encouraged the Government to invest more in education. The delegation should indicate whether the school curriculum addressed human rights, whether teaching materials that promoted certain gender stereotypes were being phased out and whether the Government was ensuring the provision of sexual education, particularly in the light of the high number of adolescent pregnancies. The delegation should also provide information on any efforts to encourage women to study subjects such as mathematics, science and engineering at university and on the number of women researchers and scientists.

35. Turning to the country's history of slavery and migration from Africa, he asked what measures were being taken to raise awareness of that history and cultural tradition. Lastly, he asked whether the State party was considering the ratification of the Optional Protocol to the Covenant.

36. **Mr. Uprimny** said that, in spite of legislation to improve the gender balance in public office, women were still underrepresented in Congress. Was the Government exploring other ways to improve the representation of women in politics?

37. **Ms. Bras Gomes**, noting that the Government had taken measures to promote gender equality and combat gender stereotypes, asked what structural obstacles were preventing progress in that area.

38. **Mr. Pillay** said he would like to hear about any measures the Government was taking to address the growing shortage of social housing for disadvantaged and marginalized groups and to improve the deplorable living conditions endured by Haitian migrants on sugarcane plantations. Keeping in mind the Committee's general comment No. 7: The right to adequate housing (article 11 (1) of the Covenant): forced evictions, the delegation should clarify whether persons who were forcibly evicted were offered alternative accommodation or compensation and whether the country's legislation was in line with international guidelines on forced evictions.

39. **The Chair** said he was concerned by the disproportionately severe penalties for drug trafficking, as well as the harsh living conditions in prison, and asked whether the Government was taking measures to address those issues. He would also like to know whether the Government was conducting any campaigns to raise awareness of cardiovascular disease or to prevent smoking.

40. **Ms. Abreu de Polanco** (Dominican Republic) said that political parties were legally obliged to ensure that one third of their candidates were women, but elections were free and voting secret and, unfortunately, voters did not always favour women. The Government might need to consider further increasing the number of women candidates required.

41. **Ms. Liriano De la Cruz** (Dominican Republic) said that a bill on participation, which would raise the political profile of women, was currently under discussion.

The meeting rose at 5.55 p.m.

**Economic and Social Council**Distr.: General
3 October 2016

Original: English

Committee on Economic, Social and Cultural Rights
Fifty-ninth session**Summary record of the 64th meeting**

Held at the Palais des Nations, Geneva, on Wednesday, 28 September 2016, at 10 a.m.

Chair: Mr. Sadi

Contents

Consideration of reports

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Fourth periodic report of the Dominican Republic (continued)

This record is subject to correction.

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The meeting was called to order at 10 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Fourth periodic report of the Dominican Republic (continued) (E/C.12/DOM/4; E/C.12/DOM/Q/4 and Add.1)

1. *At the invitation of the Chair, the delegation of the Dominican Republic took places at the Committee table.*
2. **Ms. Urbáez** (Dominican Republic) said that the minimum wage in the State party varied according to sector and company size and was set by a committee comprising government, union and employers' representatives. The informal sector was a structural part of the country's economy and thus had an impact on workers' living standards and incomes. The entry into force of the contributory health scheme and the new social security system had coincided with a decline in the informal sector.
3. Campaigns to raise awareness of workers' rights had been launched with the aim of eradicating discriminatory recruitment practices. Access to employment was not predicated on gender, age, religion or political affiliation. Women's rights in the workplace were protected; they were not required to undergo pregnancy testing and their right to equal pay was respected. The employment rights of persons with disabilities were promoted by the National Council on Disability and through a range of public policies and programmes, including training for staff in the public and private sectors. Persons with disabilities were covered by all of the country's social programmes, including those relating to cultural rights, and increasing numbers were owners of small businesses. The State party had hosted a regional event on accessible tourism in 2014.
4. Domestic workers benefited from special social security provisions, and their employers were required to pay for workplace insurance and contribute to their pensions. Under the Labour Code, they were entitled to paid holiday, rest days and permission to attend medical appointments.
5. Workplace harassment was prohibited by the Labour Code, and complaints could be submitted to the Ministry of Labour; none had been received that year. Women's empowerment and inclusion in the workforce had created 400,000 jobs, of which over 120,000 were in micro, small and medium-sized enterprises. That success was largely thanks to the formalization of the job market, the provision of credit to small-scale agricultural producers and the Government's commitment to ensuring that 20 per cent of public procurement went through businesses owned by women. Additionally, credit checks as a prerequisite for employment had been banned, and all employment legislation that discriminated against women had been repealed.
6. There were campaigns to reduce stigma and discrimination against persons with HIV/AIDS, who received the drugs required for their treatment free of charge. The State party had updated its essential drugs list, and the drugs were acquired by the Ministry of Health and Social Welfare through open and transparent procurement processes.
7. **Ms. Paulino Gómez** (Dominican Republic) said that minimum wage increases must receive the approval of all members of the minimum wage committee; the decision was not taken solely by the Government. With regard to the quota for women on electoral lists, the Senate was working to amend Act No. 275-97 and the law on political parties.
8. **Ms. García** (Dominican Republic) said that a study carried out in 2000 had detected 436,000 children working in the Dominican Republic. Ten years later, another study had

found that the figure had dropped to 304,000. A road map to eradicate child labour had been drawn up and aligned with similar international road maps. The issue was also addressed in the National Development Strategy, which provided for yearly targets and a national steering committee. The normative framework for the road map was under review, and a new workplan was devised every two years, with continuous monitoring to ensure that each government agency was meeting its objectives. Local committees had been created in different sectors, and particular success had been seen in the agricultural sector, where child labour was common. The figure from 2010 therefore did not reflect recent progress. The State party had ratified the International Labour Organization Minimum Age Convention, 1973 (No. 138), and, while the minimum age for employment in the country was currently 14, it was to be reviewed in the future.

9. An inter-agency commission had been established to address the sexual and commercial exploitation of children, an issue that was also dealt with by the Public Prosecution Service. In 2015, 27 cases had been brought before the courts, and 15 cases had been investigated. A bilateral commission had been established in cooperation with the Haitian authorities to prevent sexual and commercial exploitation and trafficking.

10. **Ms. Alcántara** (Dominican Republic) said that micro, small and medium-sized enterprises owned by women were given priority in government procurement processes; that measure had seen those enterprises receive almost 40 billion pesos between 2012 and 2016. They could also access technical assistance and training. The Equality Seal was given to businesses that respected gender equality. Women could also train in non-traditional professions such as construction. Harassment was addressed in a guide to equal opportunities and non-discrimination in the workplace. The Ministry of Women was represented on the inter-agency commission for sustainable development, and gender mainstreaming was a feature of the National Development Strategy 2030, which included a pilot programme on gender-sensitive budgeting in eight government departments.

11. **Ms. Liriano de la Cruz** (Dominican Republic) said that the country suffered from a shortage of around 1 million houses. Between 2011 and 2015, 0.5 per cent of the national budget had been spent on low-cost and social housing, and 2016 had been designated the Year of Housing Development. Social housing had been built across the country, including in rural and suburban areas, and there was a fund that offered incentives to the private sector to encourage investment in low-cost housing. However, the need to rehouse those affected by natural disasters hindered efforts to respond to the needs of the poorest communities. Lastly, initiatives to improve existing housing, and thus allow persons to remain near their place of work, were under way.

12. **Ms. Abreu de Polanco** (Dominican Republic) said that, when land was appropriated for the construction of public works, the Government relocated all affected residents or paid them fair compensation. Complaints of forced evictions in the east of the country were being investigated.

13. The Government had recently ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and was considering the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

14. In 2015, the Government had drawn up its first national human rights plan in consultation with international bodies and more than 900 civil society organizations. The plan made provision for the inclusion of human rights education in the school curriculum. There were annual campaigns on the prevention of cardiovascular disease and the dangers of smoking, including passive smoking. Anti-drug legislation established a sliding scale of punishments from 6 months to 30 years in prison for offences ranging from drug possession to drug selling and trafficking.

15. **Ms. Liriano de la Cruz** (Dominican Republic) said that the Dominican Republic was a multiracial, multicultural society. As 83 per cent of the population was of African descent, there was no segregation of that group in any particular geographic area. The Ministry of Culture had worked for decades to strengthen the country's cultural infrastructure, supporting provincial and national carnivals, financing more than 300 cultural projects throughout the country and ensuring that cultural traditions were taught in schools. The Government recognized the importance of intangible culture and was working towards the establishment of a cultural centre to celebrate the country's African heritage. Haitians made up the largest proportion of the migrant population, and the Government did not place any restrictions on their cultural expression. While there was still progress to be made, school textbooks now better reflected the racial make-up of Dominican society.

16. The majority of young people in higher education studied business and related subjects, with law and health care also popular fields. The Ministry of Education had made it a priority to train more science teachers and in recent years had begun awarding scholarships to students taking teaching courses. That initiative had led to enrolments in those courses accounting for 13 per cent of the student body in 2014. The Ministry had also offered incentives to help strengthen the national research capacity and build knowledge in scientific areas. Over the previous 10 years, 5,000 students had received scholarships to pursue scientific studies abroad. Information and communication technology courses had grown in popularity, with over 47,000 students studying those subjects in 2014. The Ministry of Women was working in partnership with the Research Centre for Feminist Action to increase women's participation in scientific and technological fields.

17. **Mr. Kedzia**, recalling that the State party had accepted recommendation No. 98.77 made during its second universal periodic review, on the investigation of human rights violations against journalists and human rights defenders and the prosecution of those responsible, asked the delegation to provide information on the outcome of the National Public Safety Plan, particularly with regard to the prosecution of persons making threats against human rights defenders. He wished to receive data on the scale of the problem, notably concerning those human rights defenders working on economic, social and cultural rights. He also asked what the State party had done or planned to do to tackle the high incidence of hepatitis C among its population.

18. **Mr. Mancisidor de la Fuente** asked the delegation to provide examples of instances in which the right to education, as enshrined in the Covenant, had been invoked before the courts. Did the Government plan to increase the education budget beyond the 4 per cent of gross domestic product (GDP) that it was currently spending? He wished to receive information on the inclusion of sexual and reproductive health in the school curriculum, and on how the Government was tackling gender stereotypes. What infrastructure was in place to ensure schools could accommodate students with disabilities and was there any legislation in effect requiring new schools to be made fully accessible?

19. **Mr. Dasgupta** asked whether the State party intended to establish a minimum age for sexual consent, to remove the immunity from prosecution granted to members of the priesthood, which had prevented or delayed the prosecution of cases involving the sexual abuse of children, and to permit abortion in certain cases in line with its obligations under the Covenant. Noting that investigations had been carried out in only 15 of the 27 cases of sexual abuse and exploitation recorded the previous year, he asked whether there had been prosecutions in any of those cases and, if so, whether any convictions had been handed down. He asked for more information on the 12 cases that had not been investigated.

20. He wished to know whether steps were being taken to address the lack of clean drinking water and access to sanitation and whether the delegation could explain why the poverty rate had almost doubled since 2001. It was still not clear whether any steps had been taken to implement and monitor the results obtained by the National Strategic Plan

against Child Labour 2006-2016 and the National Plan for the Eradication of the Worst Forms of Child Labour. He asked whether the State party intended to increase the proportion of GDP allocated to health services, why it was not making use of generic medicines in the treatment of HIV/AIDS and why the 2002 Basic Health Plan had ruled out the possibility of treating HIV/AIDS on grounds of cost.

21. **Ms. Bras Gomes** asked for more information on employment quotas for persons with disabilities and on the situation of undocumented migrants who were unable to register as workers because they did not have a passport. She wished to know whether the social security system benefited all citizens or only those who had contributed to it and how the State party ensured that social security provisions for domestic workers were being implemented. Did the minimum wage ensure an adequate standard of living, what impact had the Progress with Solidarity programme had on reducing poverty and would the State party consider implementing a minimum income?

22. Noting that no complaints of sexual harassment had been made in the past year, she asked whether victims refrained from making such complaints because it was not possible for them to do so without terminating their contracts. Lastly, she said that, although it was encouraging that the State party intended to make women's policies a key part of its Sustainable Development Goals, more action must be taken to ensure that women's economic, social and cultural rights were upheld.

23. **Mr. Chen** asked whether measures were being taken not only to protect the rights enshrined in the Covenant but also to promote them. Had the State party implemented programmes or initiatives aimed at promoting human rights or did it limit itself to responding to complaints of violations?

24. **Mr. Uprimny** (Country Rapporteur) said he would like information on the reported assault two days previously on Mr. Genaro Rincón, a defender of the rights of persons of Haitian origin. He asked how the State party could know whether there was racial discrimination when it had no disaggregated data that might shed light on the relationship between citizens' ethnic origin and their enjoyment of human rights. Would it consider including that variable in its human rights data? He would be interested to learn whether the rights of lesbian, gay, bisexual, transgender or intersex persons would be protected only by the bill on discrimination currently under discussion or whether specific legislation would be adopted for that purpose.

25. Although the adoption of Act No. 169-14 was an attempt to address the problems caused by the retroactive withdrawal of nationality from Dominicans of Haitian origin, it benefited only around a third of those affected and created a distinction between those who had been registered at a particular point in time and those who had not. He wished to know what specific steps were being taken to remedy the human rights violations brought about by the original decision.

26. He asked whether specific measures had been taken to address the problem of the growing number of school pupils who repeated school years or dropped out of school altogether, particularly at the primary level. He wished to know what steps were being taken to improve the access to education of children of Haitian origin who did not have Dominican nationality. Noting that certain children, particularly those belonging to marginalized populations, had difficulty obtaining birth certificates and identity documents, he asked what steps were being taken to make such documents easier to obtain.

27. Noting that the State party had a very high maternal mortality rate for its level of development, partly owing to the fact that abortion was completely banned, he asked whether any measures were in place to reduce that rate. In view of the disparity between the infant mortality rates of the highest and the lowest income quintiles of the population, he

asked what measures were being taken to address the problem of unequal enjoyment of the right to health.

28. **The Chair** asked for more information on prison conditions in the State party and said that he wished to know whether it would consider taking a more compassionate approach to youths who were given long prison sentences after being lured into the illegal drug trade by hardened criminals.

29. **Ms. Urbáez** (Dominican Republic) said that the current process of reform and modernization was outlined in the National Development Strategy, the 10-Year Health Plan, and the Strategic Health Agenda. The Dominican Republic was also a member of the Executive Board of the World Health Organization and was therefore attempting to adapt its system to guidelines and programmes that were being developed and revised at a global level. In particular, it was trying to meet the health needs of the population by focusing on maternal mortality, child mortality and vaccination campaigns. Efforts had also been made to improve the provision of both primary and specialized health care so that the entire population would have access to vaccinations and medications without discrimination of any kind. The Ministry of Health had established primary health care units, and people's pharmacies had been set up to give the population access to affordable medicines, with funding from the Pan American Health Organization. Anti-retroviral medicines were provided to persons with HIV/AIDS for one year and, although generic medicines were not currently being used, the Government was considering the possibility of purchasing them for HIV/AIDS and hepatitis C treatment.

30. In 2005, 8,261 labour law violations relating to weekly rest periods, the minimum wage and other issues had been recorded. The Ministry of Labour provided legal assistance to domestic workers and other workers; 1,985 requests for such assistance had been received in 2015.

31. **Ms. Paulino Gómez** (Dominican Republic) said that the Dominican Republic was taking steps to include sexual and reproductive health in the education curriculum.

32. **Ms. Alcántara** (Dominican Republic) said that, in 2012, the Ministry of Women and the Teachers' Association had signed an agreement on training with the aim of bringing about a progressive reduction in violence against women and girls, teenage pregnancy and sexually transmitted diseases. The United Nations Secretary-General's UNiTE to End Violence against Women campaign was also contributing to that goal, and a 24-hour hotline provided information on women's rights. The Ministry of Education had developed a 60-hour community service module that was compulsory for all secondary school students. It focused on freedom from violence and included sexual education, with emphasis on preventing teenage pregnancy.

33. **Ms. García** (Dominican Republic) said that, in 2015, the national authorities had recorded 13 cases of trafficking in persons, 12 of commercial sexual exploitation, 1 of child pornography and 1 of the sale of children. To date, sentences had been handed down in 3 of those cases, resulting in the convictions of three men, while the other 24 cases were currently under investigation. The road map to eradicate child labour was the main government strategy for tackling the worst forms of child labour. There were plans to include a section on child labour in future national household surveys.

34. **Ms. Liriano de la Cruz** (Dominican Republic) said that there was a need for further debate in the State party on the inclusion of racial origin in statistical surveys and the targeting of affirmative action programmes. The majority of Dominican nationals were of African descent, and the only minority groups in the country were made up of migrants rather than groups of specific racial origin.

35. It had taken much effort and many years to achieve the current level of expenditure on education. However, more could and would be done in that regard. A number of programmes had been launched to ensure that early childhood protection reached all children, so that they then had access to basic education. School hours had been extended to tackle absenteeism and juvenile delinquency, reduce the number of students obliged to repeat a school year, provide access to quality teaching and combat poverty by enabling parents to go out to work. Children were provided with school meals on a daily basis during the school week. Over the past three years, a large number of educational establishments had been built. Mechanisms had been put in place to remove children from situations of child labour and abuse and put them in school.

36. **Ms. Abreu de Polanco** (Dominican Republic) said that the Government was open to cooperation with human rights actors, and a number of human rights defenders had taken part in the preparation of the first national plan on human rights in 2015. Attacks such as that on Mr. Genaro Rincón were extremely rare.

37. Ruling No. 168/13 had been issued in response to a petition for *amparo* and empowered the Directorate-General for Migration to enforce Immigration Regulation No. 279 on the regularization of the status of foreign nationals. The President had enacted law No. 169/14 on naturalization relating to 55,000 persons recorded in the civil registry, who would have their identity documents returned to them and would be registered as Dominican nationals. Following consultations with representatives of civil society and of a number of international organizations, including the International Organization for Migration, a mechanism had been set up to promptly resolve any issues which might arise in that regard. Undocumented migrants enjoyed access to justice and primary and secondary level education. However, persons wishing to graduate from university in the State party must have identity papers. While the Government wanted to regularize the status of all foreign nationals resident in the country, in order to ensure that they had legal personality and enjoyed access to the social security system, such persons must obtain identity documents from their country of origin. The Government of Haiti had agreed to take measures in that regard and should be supported in its efforts by the international organizations. The Central Electoral Board of the Dominican Republic had set up a system of mobile units to register undocumented Dominican nationals across the country.

38. A number of Dominican nationals, including members of the clergy, accused of committing offences of child sex abuse, had been tried and convicted by the national courts. In cases where the alleged perpetrator enjoyed diplomatic immunity, the national authorities must wait for his or her country of origin to lift that immunity before further action could be taken. In one high-profile case, a diplomat accused of child sex offences had been recalled by his superiors but had died before he could be put on trial.

39. In 1996, work had begun to overhaul the prison system, tackle overcrowding in prisons, ensure respect for human dignity and make penitentiary officials aware of the United Nations Standard Minimum Rules for the Treatment of Prisoners. There were currently 21 detention centres, staffed by civilian officials trained at the penitentiary system training school, which received students from across the region. An international expert had recently singled out the Dominican prison system as a model for other countries to follow. Detainees were treated in a dignified manner and enjoyed access to training and basic and university education.

40. Under legislation introduced in 2013, 5 per cent of the staff of public bodies must be persons with disabilities, and all private and public sector organizations were required to ensure that their premises were accessible. Information on access to water would be provided to the Committee in writing.

41. **Mr. Uprimny** (Country Rapporteur) said that, according to the Institute for Criminal Policy Research, prisons in the State party were overcrowded, with around 25,000 persons being held in facilities with a total capacity of approximately 14,000.

42. Overall, the dialogue with the delegation had been fruitful, although a number of questions had gone unanswered. He hoped that the Committee would receive further information in that regard from the delegation in writing. The delegation had recognized the need to address certain issues, such as serious shortcomings in respect of housing and the national tax system, and had acknowledged the importance of promoting the realization of economic, social and cultural rights and adopting a comprehensive anti-discrimination law. He hoped that the Committee's concluding observations would be disseminated among civil society and Government bodies and duly implemented.

43. **Ms. Abreu de Polanco** (Dominican Republic) said that she wished to thank the Committee for the warm welcome and treatment afforded to her all-female delegation. Constructive dialogue with the Committee was vital as it assisted the Government in implementing the provisions of the Covenant.

The meeting rose at 12.45 p.m.

**Economic and Social Council**

Distr.: General
3 October 2016

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Committee on Economic, Social and Cultural Rights
Fifty-ninth session**Summary record of the 65th meeting**

Held at the Palais des Nations, Geneva, on Wednesday, 28 September 2016, at 3 p.m.

Chair: Mr. Sadi

Contents*Consideration of reports (continued)*

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Combined fifth and sixth periodic reports of the Philippines

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The meeting was called to order at 3 p.m.

Consideration of reports *(continued)*

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Combined fifth and sixth periodic reports of the Philippines (E/C.12/PHL/5-6; E/C.12/PHL/Q/5-6 and Add.1)

1. *At the invitation of the Chair, the delegation of the Philippines took places at the Committee table.*
2. **Ms. Edillon** (Philippines), introducing her country's report, said that the Government viewed the constructive dialogue as an important exercise in advancing human rights advocacy, despite the constraints that the Philippines and other developing countries continued to face.
3. The Philippines took pride in its Constitution, which enshrined human rights and adhered to the doctrine of incorporation, whereby generally accepted principles of international law, including the provisions of the Covenant, formed part of the law of the land.
4. The Government shared the Committee's concerns over the adverse environmental effects of irresponsible mining and was pursuing a two-pronged strategy that involved conducting a comprehensive audit of operating mines and reviewing the Mining Act of 1995. Details of the scope of the review had been provided in paragraph 10 of the State party's replies to the list of issues (E/C.12/PHL/Q/5-6/Add.1).
5. The Philippines paid special attention to the plight of indigenous peoples, the group most affected by the mining industry. The Government sought to empower indigenous peoples by ensuring respect for the principle of free, prior and informed consent and by strengthening the implementation of the Indigenous Peoples Rights Act, which mandated the ongoing empowerment of the National Commission on Indigenous Peoples to respond to violations of indigenous rights.
6. In 2015, a law had been enacted to complement the Fisheries Code, uphold the right of Filipinos to dispose freely of natural resources and promote compliance with international agreements. The law stipulated that local communities should be given preference with regard to fisheries resources.
7. The Government was aware that the misuse of public funds had a negative impact on development programmes and on the full enjoyment of economic, social and cultural rights. Between January 2015 and May 2016, the Office of the Ombudsman had secured the convictions of 124 individuals for graft and corruption, 47 for embezzlement and 3 for direct or indirect bribery. In addition, ongoing efforts were being made to bolster the enforcement of anti-corruption legislation such as the Anti-Red Tape Act of 2007 and the Sandiganbayan Reform Act of 2015. The Sandiganbayan was a special court with jurisdiction over criminal and civil cases of corruption and similar offences committed by public officials.
8. To encourage more active engagement of the general public in the Government's anti-corruption drive, a hotline had been launched for reporting corrupt practices and, on 23 July 2016, President Rodrigo Duterte had issued an executive order to give effect to the public's right to information and to guarantee transparency in the public service. Stringent monitoring of the use of public funds had resulted in more prudent spending, enabling the Government to increase social sector expenditure from US\$ 8.65 billion in 2009 to US\$ 24.09 billion in 2016.

9. Cultural prejudices born out of insufficient education were being addressed. The Integrated History Act of 2016 provided for the inclusion of modules on the history, culture and identity of Filipino Muslims and indigenous peoples in school curricula at all levels. Laws were being reviewed in order to remove any discriminatory provisions, and President Duterte had vowed to protect women's rights and had called for the full implementation of the Magna Carta of Women down to the village level.

10. The Philippines valued decent work as a means of spurring collective development and progress. Initiatives to reduce unemployment and underemployment included the Human Resource Roadmap 2016-2022 and programmes to boost employability, particularly among young persons and persons with disabilities. The Government believed in the principle of equal pay for equal work, and the Constitution and other laws respected gender equality and protected the right of workers to redress of grievances.

11. While it was a policy of the Government to provide decent employment in the Philippines so that working abroad was a matter of choice rather than a necessity, the protection of migrant workers was considered a primordial obligation. Under the amended Migrant Workers Act, overseas Filipino workers had access to a package of integrated support services prior to their departure, a 24-hour assistance facility during their stay in their host countries and a reintegration programme upon their return. In August 2016, a one-stop shop had been opened to expedite the processing of documents for overseas workers, whose protection abroad was provided by a network of foreign service posts that comprised 82 embassies and consulates, and 166 honorary consulates manned by over 1,295 personnel.

12. The Government recognized that social security was the backbone of social protection, and relevant institutions ensured that older persons and persons with disabilities, among others, could afford to live with dignity. Social welfare services were available for marginalized persons, including victims of disasters, and a number of non-contributory social assistance programmes (including the Conditional Cash Transfer Programme and the Supplemental Feeding Programme) had been established.

13. The Government could not overemphasize its commitment to protecting the family, with a particular focus on women and children. Steps were being taken to amend the Family Code in favour of greater equality in the family decision-making process, and the Anti-Rape Law of 1997 was undergoing legislative scrutiny to render it more responsive to the needs of victims.

14. The Philippines was taking a proactive role in the fight against human trafficking. The number of convictions for human trafficking had been eight times higher in the period from 2010 to 2016 than in the six years before that, and the average length of human trafficking trials had been cut from five years to two. Moreover, the Philippines had directed the negotiations that had led to the adoption of the Association of Southeast Asian Nations Convention against Trafficking in Persons, Especially Women and Children, and the accompanying Regional Plan of Action 2016-2020.

15. In the 2016 *Trafficking in Persons Report* prepared by the United States Department of State, the Philippines had been classified as fully meeting the minimum standards for the elimination of human trafficking, while in the previous three years, the International Labour Organization (ILO) had included the Philippines among the 10 countries that had made the most progress in implementing measures to eliminate the worst forms of child labour.

16. Eradicating poverty remained a challenge. Funds were allocated to municipalities with the highest incidence of poverty and, pursuant to the Agriculture and Fisheries Modernization Act, the Government followed a strategy aimed at ensuring that consumers, especially the poorest, had access to adequate food at all times.

17. To improve the security of housing tenure of informal settlers, President Duterte had suspended the demolition of illegal settlements in the absence of suitable relocation sites.

18. The health-care system was intended to be equitable, inclusive, transparent, accountable and efficient, and provided universal health insurance coverage and high-quality reproductive health-care services.

19. The Constitution required the State to assign the highest budgetary priority to education. Between 2010 and 2015, the primary school completion rate had risen from 72.1 to 86.7 per cent. In accordance with the Enhanced Basic Education Act of 2013, the Philippines had embarked on the biggest reform of the education system in its history, extending the basic education cycle from 10 to 12 years.

20. The National Indigenous Peoples Education Programme, which had been launched in 2013, continued to strengthen culture-based education through capacity-building for teaching and non-teaching personnel, the contextualization of school curricula, the development of culturally appropriate learning materials and the enhancement of budgetary resources and infrastructure. Between 2013 and 2016, approximately US\$ 21.75 million had been allocated to initiatives introduced under the Programme, in addition to the regular funds set aside for indigenous students in State schools.

21. During the course of the 2016/17 academic year, 251 new schools would be completed and 583 extra teachers would be recruited to serve more than 18,000 indigenous students in Mindanao alone. Between 2010 and 2015, the number of indigenous children enrolled in school had increased by 206 per cent.

22. The National Endowment Fund for Culture and Arts had been established as part of efforts to nurture the country's cultural heritage and to protect its cultural diversity. In 2015, US\$ 19 million had been disbursed from the Fund, which had benefited 1,187 individuals and organizations to date.

23. President Duterte had stated that the Government would be sensitive to the obligation of the Philippines to promote and protect the human rights of its citizens, especially the poor, the marginalized and the vulnerable. Social justice would be pursued, and the rule of law would prevail at all times.

24. **Mr. De Schutter** (Country Rapporteur), while commending the State party on the progress that it had made in recent years, said that he wished to know what could be done, including in terms of judicial training, to ensure the direct application of the Covenant provisions in the domestic legal order, particularly given that the Constitution did not enshrine economic, social and cultural rights other than trade union rights and that the constitutional provisions on the doctrine of incorporation were not explicit.

25. He sought reassurances that adopting the bill on strengthening the functional and structural organization of the Commission on Human Rights was a priority of the Government and that measures were planned to protect human rights defenders, who continued to face harassment and threats to their lives.

26. Turning to the issue of indigenous rights, he asked why the State party had not yet ratified the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). What was being done to protect the Lumads and other indigenous peoples in Mindanao from the conflict between government forces and the New People's Army? Why had the principle of free, prior and informed consent sometimes been ignored in the sale of land to investors? He also asked whether the National Commission on Indigenous Peoples should not play a greater role in resolving indigenous land disputes, why the National Commission was mistrusted by some indigenous peoples, particularly the Lumads, and what could be done to restore its credibility.

27. The delegation should explain whether the adoption of the National Land Use Bill was a priority of the Government, and what steps had been taken to ensure that the Bill was consistent with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.

28. He requested data on public spending on social services disaggregated by age, sex, indigenous and minority groups, and urban and rural areas. He also invited the delegation to comment on the fact that, between 2010 and 2015, the Department of Social Welfare and Development had allotted an average of 10 to 11 million Philippine pesos (Pts) a year to persons with disabilities, which equated to just Pts 8 per head.

29. He asked whether adopting the bill to address discrimination in all its forms, which was mentioned in paragraph 33 of the replies to the list of issues, was a priority of the Government, and whether measures would be taken to remove discriminatory provisions of existing laws, including article 200 of the revised Criminal Code, section 29 (a) (2) of the Immigration Act and sections 269 and 272 (b) of the Labour Code.

30. Noting that, in the Magna Carta for Persons with Disabilities, reasonable accommodation was referred to only with respect to employment, he asked whether the law would be brought into line with the Convention on the Rights of Persons with Disabilities.

31. Regarding gender equality, the delegation should describe what could be done to ensure that more women benefited from the Comprehensive Agrarian Reform Programme, bearing in mind that women accounted for a mere 29 per cent of the 2.3 million beneficiaries of the Programme since its inception in 1988. Comments on the striking gender disparities in labour market participation and, by extension, income, would also be appreciated.

32. **Ms. Bras Gomes** sought confirmation of the exact unemployment rate and said that it would be useful to know how the State party gathered employment and unemployment data, including what exclusion criteria were applied. She enquired about the impact of the steps taken to combat unemployment and underemployment, and asked what further measures were planned in that regard.

33. Although the Magna Carta for Persons with Disabilities laid down the principle of non-discrimination and provided for measures to promote the employment of persons with disabilities, its effective implementation was hampered by a lack of awareness among rights holders and government officials, particularly in rural areas, leading to a very low uptake of the services available.

34. It should also be noted that the gender disparity in labour market participation was almost as wide as it had been in 2005, which suggested that the efforts made since that time had been fruitless.

35. She asked what more could be done to prevent violations of labour rights and of the right to social security in sweatshops, and what protection was offered to informal sector workers. The delegation should give an assessment of the end-of-contract ("*endo*") system, whereby employers dismissed probationary employees before the six-month cut-off point for regularizing them, and explain what could be done to put a stop to the practice.

36. Noting that the Wage Rationalization Act had reportedly pushed down wages, she asked how the Government managed to regulate the high number of minimum wage rates in the country, whether agricultural workers were entitled to a minimum wage and what measures were being adopted to bring minimum wage rates progressively closer to the cost of living, in line with article 7 of the Covenant. The delegation should respond to reports that the punishments for non-compliance with minimum wage requirements were too lenient and too infrequently imposed to have a deterrent effect.

37. She would be grateful for information on the protection afforded to workers who were not covered by a collective agreement, and on the steps that the State party was taking to prevent the harassment of trade union leaders and activists. The delegation should state whether social security coverage was extended to workers on precarious contracts, informal sector workers and women engaged in unpaid work. It should also comment on whether the amount of the monthly cash grants provided under the Social Pension for Indigent Senior Citizens programme was sufficient to guarantee a decent standard of living, and on why there were so few beneficiaries of the programme.

38. Lastly, she wished to know what obligations were incumbent on the Government under the Conditional Cash Transfer Programme.

39. **The Chair** said that prison conditions in the Philippines were disturbing. The delegation should outline what was being done to improve the situation and indicate whether the Government would consider introducing more humane punishments for first-time drug offenders.

The meeting was suspended at 4.05 p.m. and resumed at 4.25 p.m.

40. **Mr. Paras** (Philippines) said that, contrary to what had been stated by the Country Rapporteur, the Constitution enshrined economic, social and cultural rights, notably in articles 2 and 13. Legal remedies under Philippine law included the writ of *amparo*, which was available to any person whose right to life, liberty and security had been violated or threatened, and the writ of *kalikasan*, which could be filed by or on behalf of persons whose constitutional right to a balanced and healthful ecology had been violated or threatened. The provisions of the Covenant had been applied by the Supreme Court in a number of cases, which were enumerated in paragraph 3 of the replies to the list of issues.

41. **The Chair** said that the Committee would prefer to receive any additional information on those cases in writing.

42. **Ms. Angeles-Natividad** (Philippines) said that the bill on strengthening the functional and structural organization of the Commission on Human Rights had been resubmitted to the House of Representatives. Some issues, including the granting of prosecutorial powers, fiscal autonomy, structural organization and the power to issue temporary restraining orders, were still being deliberated with the full participation of the Commission and of other relevant stakeholders. The bill provided for the compliance of the Commission with the Paris Principles.

43. **Mr. Paras** (Philippines) said that Administrative Order No. 35, details of which were supplied in paragraph 14 of his country's report, established that ending the impression of a culture of impunity with regard to extrajudicial killings, enforced disappearances, torture and other grave violations of the right to life, liberty and security of persons was a paramount policy of the Government.

44. The Order provided for the creation of an inter-agency committee, chaired by the Secretary of Justice, which was supported by a technical working group. In the evaluation of cases, extrajudicial killings were defined as involving the deliberate targeting and killing, by either State or non-State actors, of persons affiliated to a political, environmental or similar cause-oriented organization because of actual or perceived membership, advocacy or profession. While in general the Philippines adopted an adversarial legal system, an inquisitorial system was used for cases prosecuted under the Order.

45. **Ms. Edillon** (Philippines) said that the National Land Use Bill had been pending in Congress for a long time, but that its adoption was considered a priority. With regard to the ongoing conflict with the New People's Army and its impact on the Lumad people, the Government was engaging in talks with left-wing groups in the hopes of finding a formula

for lasting peace. People who were displaced as a result of the conflict received assistance from the Department of Social Welfare and Development.

46. **Ms. Villaruel Aragon** (Philippines) said that the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) was considered to be a priority convention by the Department of Labour and Employment, and an inter-agency technical working group had been established to facilitate its ratification. One of the obstacles to ratification was the broad scope of the Convention, as its provisions came under the purview of various government agencies.

47. **Ms. Edillon** (Philippines) said that the Supreme Court had issued a decision in relation to the rights of indigenous peoples to their ancestral land and the Mining Act of 1995. The Government would provide the Committee with further information on that matter following consultations with the National Commission on Indigenous Peoples.

48. **Mr. Rufino** (Philippines) said that the Government was making efforts to ensure respect for the principle of free, prior and informed consent, not least through its constructive dialogue with civil society organizations. Moreover, various government agencies, such as the Department of Education, the Department of Health and the Department of Social Welfare and Development, were working with indigenous peoples to plan and implement indigenous programmes, in accordance with that principle.

49. **Ms. Edillon** (Philippines) said that the beneficiaries of the Conditional Cash Transfer Programme were poor households identified by the National Household Targeting System for Poverty Reduction, which drew on information from the census and its own surveys. In order to be eligible for the Programme, the household must include at least one child under the age of 18 years and/or a pregnant or breastfeeding woman. With regard to the budget for persons with disabilities, the figure mentioned by the Country Rapporteur referred to the budget of the Department of Social Welfare and Development alone; however, every government agency was mandated to allocate one per cent of its budget to persons with disabilities.

50. **Ms. Angeles-Natividad** (Philippines) said that the Philippine Labour Code allowed foreign workers to exercise trade union rights, provided they were nationals of a State that granted the same rights to Philippine workers, and that the Immigration Act did not include pregnancy as grounds for the prohibition of entry or expulsion of migrant workers. Moreover, the Government no longer prohibited foreigners with infectious diseases from entering the Philippines; it allowed their entry but monitored their condition. The Revised Penal Code did not contain any provisions that discriminated against lesbian, gay, bisexual and transgender persons, and a bill to prohibit discrimination on the basis of sexual orientation, gender identity and gender expression had been drafted.

51. **Ms. Edillon** (Philippines) said that only 29 per cent of the beneficiaries of the Comprehensive Agrarian Reform Programme were women because land was traditionally bequeathed to men in the Philippines. The Government was hoping to improve the low labour market participation of women as part of its upcoming Philippine Development Plan. Many women stayed at home as a result of their family obligations, and a regulatory framework for part-time work or work-life balance might encourage them to enter the workforce.

52. **Ms. Rebong** (Philippines) emphasized that discrimination against women in employment was prohibited and that some women simply chose not to work. The Government had enacted various laws, such as the Magna Carta of Women, and amended others with a view to opening more doors for women and encouraging them to be active participants in the labour force. The Department of Labour and Employment also had a programme entitled JobStart, which promoted the employment of disadvantaged young persons, particularly young women.

53. **Ms. Edillon** (Philippines) said that several major companies in the Philippines employed large numbers of persons with disabilities. The Government would nevertheless step up its efforts to disseminate the Magna Carta for Persons with Disabilities and raise awareness of, inter alia, tax incentives for companies that hired such persons.

54. **Ms. Clara Asuncion** (Philippines) said that the Government provided educational assistance to persons with disabilities pursuing primary, secondary, tertiary or post-tertiary studies or vocational or technical training at public or private institutions, through the provision of scholarships, grants, financial aid and subsidies, as well as books and learning materials. In order to be eligible for such assistance, the students had to meet the minimum admission requirements for the relevant institution or programme of study. With regard to transportation for persons with disabilities, the law on accessibility provided that all public transport terminals should be wheelchair-accessible. Persons with disabilities were also allowed to drive cars and hold drivers' licences.

55. **Ms. Edillon** (Philippines) said that the Government's data on employment were based on various factors such as whether the person was of working age, was employed, was seeking employment, and was available for work. Full-time students were not considered part of the labour force. The Government conducted labour surveys every quarter and based its annual statistics on those surveys. There were, however, some gaps in its employment data as a result of a typhoon that had struck the Philippines in 2014 and destroyed some survey responses.

56. Unemployment in the Philippines was disproportionately high among young workers. Firms were hesitant to hire first-time jobseekers because they lacked skills, experience and maturity. Moreover, the education system was not in line with the legal framework for employment: young people could complete their basic education by the age of 16 years but could not legally sign contracts before the age of 18. The education reform was addressing that issue, among others.

57. **Ms. Villaruel Aragon** (Philippines) said that the Government had established a number of programmes to facilitate young persons' transition from school to work and had doubled its budget for such programmes. The Technical Education and Skills Development Authority, for example, provided technical and vocational training to approximately one million persons per year. Furthermore, the Public Employment Services Offices Act had been amended in order to strengthen and modernize public employment services. As a result of such measures, the labour force survey conducted in July 2016 had shown a decrease in both unemployment and underemployment.

58. The Department of Labour had developed an integrated programme that provided skills and entrepreneurship training and emergency employment for poor, displaced and marginalized workers. The programme had delivered livelihood assistance to a total of 517,334 beneficiaries between 2011 and 2016, and had provided emergency employment for 251,408 beneficiaries.

59. **Ms. Shin**, recalling that divorce was not yet allowed in the Philippines, said that she would be interested to learn about the proposed bill on the dissolution of marriages and when it was likely to be enacted. The Committee would also welcome information on any measures under consideration in relation to the registration of births, given the high number of undocumented children among the Muslim community and indigenous peoples, as well as Filipino workers overseas. It was also unclear what measures were envisaged by the State party to provide assistance to the families of persons with disabilities, especially women, who were often asked to shoulder the burden of care and were consequently homebound and unable to lead independent lives. She also expressed the hope that the State party would improve its data-gathering techniques, given that the official disability rate in the Philippines was far below the average estimated by the World Health Organization. The

Committee would also like to learn what action had been taken to raise awareness of the Magna Carta for Women among indigenous and migrant women and women with disabilities, who were most in need of the rights that it guaranteed. How was that law reconciled with the Code of Muslim Personal Laws?

60. In respect of violence against women, the Committee required further details on the proposed bill that would revise the definition of rape and the age of statutory rape. The State party should also give an account of the measures it intended to provide for women and girls who had been the victims of violence, especially those with disabilities, in view of the high prevalence of violence against women in the Philippines and the apparent lack of services and legal remedies available to those women.

61. The Committee would also be grateful for a response to reports that a large number of children under the age of 15 years were engaged in the worst forms of child labour, such as gold mining, despite the State party's ratification of the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child. How did the Philippines enforce the laws prohibiting child labour and the recruitment and use of children in armed conflict?

62. The Committee was also concerned that, despite the Philippines' Tier 1 status in the *Trafficking in Persons Report* published by the United States Department of State, the 2016 edition of that report had highlighted several problems, such as forced labour, sex trafficking and the alleged complicity of officials in allowing traffickers to operate. In that regard, she expressed the hope that the Philippines would maintain and strengthen its efforts to combat trafficking in persons.

63. **Mr. Pillay** said that he would like to learn what anti-poverty measures had been adopted by the State party to target the least developed regions of the Philippines and the people most affected by poverty, and that he would appreciate information on the results achieved. The State party should also indicate whether it would increase the coverage of the Conditional Cash Transfer Programme to include those poor who had been excluded. The Committee would also be interested to know whether the State party planned to increase its meagre social housing budget, and what remedial measures it was taking to address the large number of people living in informal settlements, including slum areas, who lacked services and faced the constant threat of eviction. The delegation should describe the extent of homelessness in the Philippines, including as a result of forced eviction, and the measures taken to ensure the right to housing for persons with disabilities, such as the construction of special housing units. Information was also needed on the steps taken to address the substandard living conditions of internally displaced persons, some of whom had lived through natural disasters and armed conflicts. Lastly, he said that the delegation should comment on the 57 documented incidents of forced eviction and demolition by militia and armed forces, often including physical and psychological violence, that had affected 73,000 families between 2010 and 2013. Those forced evictions had been carried out to create space for urban development, without consulting or providing the evicted families with compensation or an adequate relocation site. Such actions were not legal under international human rights law, did not comply with the Covenant and the Committee's general comment No. 7 (1997), and demonstrated that the State party had done nothing to implement the recommendations contained in the Committee's previous concluding observations.

64. **Ms. Shin** said that, considering the high prevalence of malnutrition and undernourishment in children under the age of 5 years, the State party should adopt the Right to Adequate Food Framework Bill as soon as possible. Extra funding for the health sector would be welcome, since expenditure currently accounted for less than 3 per cent of gross domestic product. The Committee would appreciate information on the percentage of

the population covered by the mandatory national health insurance programme mentioned in the replies to the list of issues, and on whether it covered persons with disabilities.

65. Noting that the Philippines had prohibited and criminalized abortion and had restricted access to contraceptives and reproductive health services in general, while unsafe abortions had contributed to the very high maternal mortality rate, she expressed the hope that those issues would be resolved under a new policy approach by the State party. The Committee was also concerned by the large number of drug users in the Philippines and the rapid increase in the rates of infection with HIV and hepatitis C among drug users. Lastly, she would be grateful if the delegation would comment on President Duterte's war on drugs, which had led to the extrajudicial killing of almost 3,000 people suspected of drug dealing and drug use, many of whom were poor.

66. **Mr. De Schutter** said that he supported Ms. Shin's call to urgently implement the Right to Adequate Food Framework Bill, given the rising rates of obesity and the relationship between undernutrition and obesity in adults. Additional information was required regarding possible follow-up measures to the Comprehensive Agrarian Reform Law, which deserved to be complemented and prolonged. The Committee would also like to learn what could be done to improve the situation of small-scale fishers, who faced threats such as climate change and competition from large-scale commercial fishing in coastal areas. On access to reproductive health services, the Committee required clarification as to the next steps that the State party would take to implement the Responsible Parenthood and Reproductive Health Act of 2012.

67. **Mr. Abashidze** expressed regret that the State party had not provided adequate replies to questions 32, 33 and 34 of the list of issues. Recognizing that children who had been internally displaced or affected by armed conflict often did not have birth certificates, the Committee would welcome any information on measures to eliminate obstacles to their primary and secondary education, as well as on the steps taken to protect children from paramilitary attacks in the Mindanao region. The Committee would also be grateful for statistics and information on the school dropout rate in the previous three years, the problems that caused children to abandon school, and the steps taken to improve the quality of education. The State party should also explain what regulatory measures and guarantees it had implemented to ensure the constitutional right to free primary and secondary education, which were threatened by privatization and commercialization. How did the Government monitor, regulate or evaluate the operation of private actors in education, to ensure compliance with the law and international treaties? The Committee would like to know whether there was an inclusive system of education for persons with disabilities or whether there was a special system. Regarding article 15 of the Covenant, the State party should provide information on the status and regulation of indigenous lands, and on whether prior consent was sought when implementing mining and industrial activities in indigenous areas. Did the Government provide indigenous peoples with guarantees against their eviction? The Committee also wished to learn what was being done to protect and preserve the traditional identity, culture and practices of indigenous peoples, whether any mechanisms existed for considering collective petitions from them, and what statistics were available in that regard. Lastly, he said that he would be interested to learn how the Government intended to increase Internet coverage, especially in remote areas.

68. **Mr. Mancisidor de la Fuente** said that he would be grateful if the delegation could confirm or amend the information, provided by the Department of Education, that up to 98 per cent of children with disabilities did not attend school. He was also troubled by the reports that 42 per cent of the children with disabilities covered by the Conditional Cash Transfer Programme did not attend school, which undermined the very objectives of that programme. Finally, he asked whether the State party planned to make additional funds

available to provide special transport, to train teachers, and to adapt services and structures, with a view to integrating children with disabilities into the education system.

The meeting rose at 6 p.m.



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Committee on Economic, Social and Cultural Rights Fifty-ninth session

Summary record of the 66th meeting

Held at the Palais des Nations, Geneva, on Thursday, 29 September 2016, at 10 a.m.

Chair: Mr. Sadi

Contents

Consideration of reports (*continued*)

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Combined fifth and sixth periodic reports of the Philippines (continued)

This record is subject to correction.

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The meeting was called to order at 10 a.m.

Consideration of reports *(continued)*

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Combined fifth and sixth periodic reports of the Philippines (continued)
(E/C.12/PHL/5-6; E/C.12/PHL/Q/5-6 and Add.1)

1. *At the invitation of the Chair, the delegation of the Philippines took places at the Committee table.*
2. **Ms. Edillon** (Philippines) said that the previous administration's plans to build state-of-the-art prison facilities funded by public-private partnerships were under review by the new administration. Under the new campaign to combat the drugs trade, law enforcement agencies must observe the rules of engagement. If police officers were found to be at fault in drugs raids which resulted in the death of a suspect, they were immediately relieved of their position. The Government planned to build four large-capacity drug rehabilitation centres in 2017, local government authorities were reconstructing existing facilities, and the Department of Health was already training personnel in the provision of residential and non-residential care to drug users. The Philippine Sports Commission, the National Commission for Culture and the Arts, businesses and church groups were also involved in efforts to assist the reintegration into society of almost 1 million individuals.
3. The setting of the minimum wage was a balancing act between addressing the needs of workers and employers and avoiding the inflation of wages and prices. While there was no living wage in place, wage levels were above the poverty threshold. The wage boards had issued advisories on productivity-based wages and had operated a pilot programme in the tourism sector to enhance productivity. Under that programme, which was to be expanded to other industries and sectors, firms which made productivity gains had to share those gains with their workers.
4. **Ms. Villaruel Aragon** (Philippines) said that in 2015, 18,040 of the 50,161 establishments assessed were in compliance with the minimum wage legislation. The informal economy accounted for 61 per cent of the gross domestic product (GDP) in 2015. The proportion of the workforce engaged in the informal sector had dropped from almost 45 per cent in 2005 to just over 34 per cent in 2015. Government initiatives, including providing access to training, start-up capital and toolkits, had increased productivity in the informal sector over the previous six years. Between 2011 and 2015 the Integrated Livelihood and Emergency Employment programmes had benefited 475,000 individuals, and an average of 1 million workers per year had completed community-based technical or vocational training. In 2013, the Government had relaxed the eligibility requirements and simplified the enrolment procedures for people in informal employment who wish to join the PhilHealth national health insurance scheme. In the same year, the Emergency Employment Programme had provided income for 35,000 typhoon victims. The bill for the protection of workers in the informal sector which had been submitted to parliament was aligned with the International Labour Organization (ILO) Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) and the provisions of the Covenant.
5. The practice of "endo", or labour-only contracting, which was prohibited under articles 106 to 109 of the Labour Code, entailed the supply of workers by a subcontractor in conditions where the subcontractor did not have substantial capital, and where the workers supplied were to perform activities directly related to the main business of the principal contractor. The practice was prevalent in the agriculture and service sectors and was spreading to the corporate sector. The Department of Labour and Employment had

implemented a three-pronged national action plan to put a stop to “*endo*” contracting. Under that plan, labour regulations would be strictly enforced. As of September 2016, 16 regional offices had conducted 134 consultations on contractual issues with more than 9,000 tripartite representatives from all industries and sectors. That process, combined with more than 5,600 inspections, had resulted in the regularization of almost 7,500 workers. The Department was also conducting a comprehensive review of rules and regulations, with input from a wide range of stakeholders; the findings of that process would be forthcoming. A total of 17 bills revising provisions of the Labour Code had been sent to parliament.

6. As of December 2015, 17,066 trade unions existed in the country. Membership totalled 1.4 million workers and had increased by almost 13 per cent in the 10 years to 2015. A total of 1,149 collective bargaining agreements were in place, covering more than 190,000 workers. Labour management councils operated as a mechanism for labour management cooperation programmes and had maintained work stoppages in the single digits for the previous five years. Sector-based voluntary codes of good practice were a step towards self-regulation by industries and the cultivation of a culture of social responsibility.

7. The Government had prioritized legislative amendments to reduce the minimum membership requirements for the registration of unions, rationalize government intervention in labour disputes, and allow foreign individuals and organizations to engage in union activities.

8. **Ms. Edillon** (Philippines) said, with regard to low birth registration, that the Philippines was observing the Asia and Pacific Civil Registration and Vital Statistics Decade (2015-2024). The National Economic and Development Authority and the Philippine Statistics Authority were working in partnership with the National Commission on Indigenous Peoples, the National Commission on Muslim Filipinos and the National Council on Disability Affairs to design programmes to increase the birth registration rate, which stood at 94 per cent, and to improve vital statistics in general.

9. **Ms. Rebong** (Philippines) said that problems relating to the registration of children born to Filipinos overseas stemmed from the refusal of certain countries to issue birth certificates for babies born out of wedlock. Changes had been made to the consular system, so that a birth certificate was no longer required as part of the process to register Filipino children overseas; parents could simply present an affidavit attesting to the birth, signed by either themselves or a birth attendant.

10. The Magna Carta for Women had been adopted in 2009, and concerted efforts were being made to raise its profile among the population. The Women's Empowerment, Development and Gender Equality Plan was aimed at safeguarding women's rights, including for vulnerable groups such as indigenous, Muslim and migrant women, and at mainstreaming women's concerns in the performance targets of all government agencies. Local government units had an important role to play in implementing the Plan. Under the Magna Carta, all government bodies, including local units, were obliged to allocate 5 per cent of their budget to implementation of the Plan. The Commission on the Status of Women provided training for gender and development focal points. In light of the provisions in the Code of Muslim Personal Laws which discriminated against women in respect of early marriage, polygamy and divorce, efforts were being made to involve Muslim women in dialogue with the aim of harmonizing that Code with the Magna Carta.

11. The bill to amend the Anti-Rape Law of 1997 made the absence of consent the core element of the definition of rape, placed the burden of proof on the perpetrator, and repealed the provision whereby a rapist could be pardoned if he subsequently married the victim. It also raised the age of statutory rape from 12 to 16 years. It was hoped that the bill would be adopted in the current parliamentary session.

12. The Government was of the view that the increase in reports of violence against women was a positive development, which reflected a greater awareness among women of their rights and the mechanisms in place to protect them. Previously taboo topics, including sexual harassment in the workplace, violence against children and marital rape, were beginning to be discussed in the Philippines.

13. **Ms. Angeles-Natividad** (Philippines) said that legislators would seek to refile the bill on divorce. Although divorce was not permitted, divorces obtained abroad by foreign spouses were recognized under Philippine law, and the Family Code of the Philippines provided for legal separation and marital annulment. Declarations of nullity could also be obtained for marriages considered invalid from the beginning. The Government, in conjunction with civil society organizations, would continue to push for the divorce bill to be adopted.

14. **Mr. Paras** (Philippines), citing paragraph 46 of the report, said that legislation had been adopted that strengthened efforts to fight against human trafficking. In particular, a new law expanded the list of actions regarded as promoting trafficking, criminalized the act of attempted trafficking, enhanced the preventive measures taken to protect potential victims and removed the veil of confidentiality from persons accused of trafficking, among other measures. Trafficking a child was considered to be qualified trafficking and was punishable by life imprisonment and a fine of 2 million Philippine pesos (Pts).

15. The Department of Social Welfare and Development had issued guidelines on minors travelling abroad, in order to protect them against trafficking, and a memorandum of understanding had been concluded to harmonize government agencies' efforts and strategies aimed at tackling that crime. Furthermore, the Bureau of Immigration had issued guidelines on departure formalities for internationally bound passengers at all airports and seaports. Guidelines had also been issued on the institutionalization of gender-responsive case management as a practice model to be used in handling cases of violence against women, including the trafficking of women. Finally, a number of measures, listed in the replies to the list of issues, had been taken to protect those affected by natural disasters from becoming victims of trafficking.

16. **Ms. Edillon** (Philippines) said that, as the provision of health care had been partially devolved, public expenditure on that area was not limited to the budget of the Department of Health. The latest available figures, which dated from 2013, indicated that 4.6 per cent of GDP had been allocated to the provision of health services. As the budget of the Department of Health had been increased, the figures for subsequent years were expected to be even higher.

17. Although the Supreme Court had placed a temporary restraining order on the issuance of reproductive materials and devices, the Government was doing everything possible to make such commodities available. According to a legal opinion that had been requested, the restraining order applied to the Government and not to private facilities or civil society organizations. Where possible, bridge funding was provided to enable non-governmental organizations (NGOs) to deliver reproductive materials and reproductive health programmes to communities.

18. **Ms. Cabotaje** (Philippines) said that efforts were being made to review and assess the legal status of abortion in the Criminal Code. In the meantime, the Responsible Parenthood and Reproductive Health Act obliged State-run service providers to provide humane and compassionate treatment to all women needing care for post-abortion complications and all other complications arising from pregnancy. The same Act allowed for abortion in extreme situations when the life of a pregnant woman was at risk. The rise in the number of unsafe abortions might have been caused by the unavailability of contraceptives. Information and education campaigns in the area of sexual and reproductive

health needed to be stepped up and the root causes of the rise in the number of unsafe abortions had to be addressed.

19. **Ms. Padilla** (Philippines) said that the primary mandate of the Philippine Health Insurance Corporation, PhilHealth, was to ensure that all Filipinos, especially those belonging to poor, vulnerable and marginalized groups, had access to affordable health care services. Figures dating from December 2015 indicated that 92 per cent of the projected population for 2015 was covered by the National Health Insurance Programme. Forty-nine per cent of the members of the Programme were indigent; around 30 per cent were employed in the formal economy; 9 per cent worked in the informal economy; 8 per cent were senior citizens; 2 per cent were sponsored members; and 2 per cent were lifetime members. The 8 per cent of citizens who were not covered by the Programme consisted of documented and undocumented overseas workers, homeless persons, indigenous persons, and persons with disabilities, among others.

20. The Point-of-Care programme supported poor patients who were not covered by the National Household Targeting System for Poverty Reduction. The premiums of such patients would be paid for by the national government, while the premiums of poor pregnant women were paid for by local government authorities. As part of the efforts undertaken to build peace, the national government had set up programmes which ensured that certain families in conflict-affected areas had access to affordable health care.

21. **Ms. Edillon** (Philippines) said that the State party would be submitting more detailed information concerning the list of issues.

22. The problem of low birth registration was not an obstacle to education, as parents whose children did not possess a birth certificate could enrol them in school by presenting an affidavit of identity. The number of children who dropped out of school had been falling.

23. **Ms. Bayangos** (Philippines) said that the K to 12 Education Programme sought to introduce learner-oriented education and provide every child with a high-quality education based on a pedagogically sound curriculum in line with international standards. Specific programmes had been enhanced to meet the educational needs of indigenous peoples and the Muslim community, among other groups. Improvements had also been made to information systems, school management, assessment methods, capacity-building programmes, educational resources and infrastructure. The K to 12 Education Programme allowed pupils to choose a course of study from among four available programmes, in accordance with their skills and interests. The implementation of the Universal Kindergarten had helped to prepare young children to enter formal education.

24. Over the previous seven years, the Government budget allocated to education had been increased considerably, and per-learner spending had more than doubled between 2010 and 2015. The Government aimed to increase its spending on education to 6 per cent of GDP, in line with international standards.

25. Two main strategies had been adopted to support the education of children with disabilities. Graded children with disabilities entered the mainstream education system and were enrolled in the appropriate year group. Non-graded children had more serious disabilities and were mainly trained in social and life skills. Teachers who worked with learners with special educational needs were identified and given appropriate training in a range of areas, including emotional and behavioural disorders and communication. Classrooms had been designed with ramps since 2001, and school buildings were currently fitted with ramps and toilets for persons with disabilities. However, more measures needed to be taken to make school sites and entrances accessible.

26. The funds allocated to educational programmes for children with disabilities had been increased by over 43 per cent between 2011 and 2015, and an office for student

inclusion had been created to harmonize such programmes. The office was currently developing an inclusive education framework, which would direct learners with special educational needs towards particular programmes. Plans were in place to improve the data held on children with disabilities and to use that data to design programmes and policies that would benefit them. Lastly, efforts were being made to establish partnerships with different organizations and academia, in order to train teachers in the use of assistive technology and devices.

27. **Ms. Edillon** (Philippines) said that, although GDP had increased for the country as a whole, some provinces had been left behind. In order to tackle the problem of poverty, the provinces of the country had been placed in three different categories: those where the number of poor people was high but the proportion of such people was low; those where the number was low but the proportion was high; and those where people had been affected by multiple natural disasters. The Government planned to ensure that growth continued, while examining the reasons why certain provinces and communities failed to benefit from it and tailoring strategies accordingly.

28. The Conditional Cash Transfer Programme aimed to break the cycle of intergenerational poverty by providing families with financial support if the children attended school, the mother sought health care and the family as a whole attended awareness-raising sessions on children's and women's rights. As the real value of cash transfers had been eroded, the possibility of increasing the amount transferred was currently being discussed at the highest level. Modified conditional cash transfers, which included assistance for housing, had been made available for indigenous persons, homeless persons and persons displaced by conflicts and natural disasters. The beneficiaries of such payments had to remain housed for at least one year in order to maintain their eligibility in the following year.

29. Following a series of studies, efforts had been made to improve the availability of infrastructure so that the recipients of conditional cash transfers were able to fulfil the conditions on which their payments depended. For example, if no medical centres were present in a particular area, the relevant authorities had to ensure that a mobile facility was made available. In that regard, a health facility enhancement programme had been carried out since 2014.

30. Aside from the old-age pension, which currently stood at Pts 500 per month, elderly persons benefited from automatic inclusion in the National Health Insurance Programme and received free medical prescriptions for certain chronic conditions. The budget for that programme had risen by 50 per cent in the previous year and would be significantly increased in subsequent years, owing to a downward adjustment in the age of retirement to 60 years.

31. Relocation assistance, involving the provision of temporary shelters, transitional shelters and permanent new homes, was provided to those affected by Typhoon Haiyan. Although some of the new homes were located in areas that were far from water sources, efforts had been made to overcome that problem by laying down pipes and providing the necessary infrastructure.

32. **Ms. Trinidad** (Philippines) said that the Government planned to increase the national housing budget. A number of programmes were currently being implemented, on: relocation of informal settler families residing in low-lying areas or affected by Government projects in Metro Manila; regional-level resettlement; upgrading of existing settlements; provision of mortgages; distribution of Government-owned land; and assistance for victims of natural disasters, including the provision of free housing, building materials and low-interest loans. More liberal housing loan repayment terms and extended

repayment periods had been introduced, along with renewable leases and a one-year moratorium on repayments of housing loans after relocation.

33. Homelessness was not a result of evictions. Under the Urban Development and Housing Act of 1992, eviction and demolition were authorized only where informal settler families were living in dangerous areas, on a site earmarked for use in a Government infrastructure or development scheme, or on private land covered by a valid court order. In the first two cases, evictions and demolitions were ordered by the competent administrative authority, while in the third case, the courts issued the corresponding order. In addition, local inter-agency committees consulted with stakeholders prior to any action being taken.

34. Social housing for persons with disabilities complied with the design standards contained in the national building code and the Magna Carta for Persons with Disabilities, and persons with disabilities were given priority with regard to the allocation of ground-floor accommodation. Additional information on the 57 documented incidents of forced eviction and demolition by militia and armed forces referred to by a member of the Committee would be welcome. Under the President's policy of no demolition without relocation, the competent authorities had been instructed to ensure that families were relocated to areas close to their previous homes, in order to ensure continuity with regard to their livelihood and support services. Basic services would be provided at resettlement sites.

35. In its 2008 concluding observations, the Committee had called for reinforcement of the mandate of the Presidential Commission for the Urban Poor "as the sole clearing house for the conduct of demolition and eviction", in accordance with Executive Order No. 152 of 2002. In that regard, work was ongoing to formulate a national resettlement framework policy; international practice with regard to resettlement and relocation action planning was being adopted; and stakeholders and affected families must be consulted prior to the issuing of any court order authorizing demolition. In addition, Memorandum Circular No. 2506 had been issued harmonizing the rules governing illegal structures.

36. **Ms. Shin** asked for additional information on health expenditure in 2013 to be provided in writing. The Government was responsible for implementing the Covenant and could not rely solely on NGOs to carry out tasks such as the distribution of contraceptives.

37. She said that the delegation had not responded to the points she had made related to abortion. The State party might wish to take into account the Committee's general comment No. 22 (2016) on the right to sexual and reproductive health and amend domestic legislation and policies on abortion accordingly. She asked whether the State intended to provide interpreting services for persons with sensory disabilities appearing before the courts or seeking to access health-care services.

38. The gender wage gap in the State party was considerable. The national authorities should look into the situation of women working in sweat shops, who were paid less than the minimum wage, suffered exploitation and sexual harassment, were called on by employers to work extra hours at home, and were threatened with dismissal should they complain to a labour inspector. She said that she hoped that the State party's next periodic report would contain concrete results and disaggregated data related to the Government's efforts to implement the provisions of the Covenant.

39. **Mr. Kedzia** said that the Committee had been informed that human rights defenders, in particular those active in the fields of land and women's rights, mining and anti-corruption, were often subjected to harassment, sometimes leading to deaths. As part of the universal periodic review process, a number of countries had called on the State party to cooperate with special procedures mandate holders and allow them to carry out visits to the Philippines to examine a range of issues, including the deaths of human rights defenders. The State party's response in that regard had been lukewarm. He asked the delegation to comment on that situation. Additional information on the dangers faced by human rights

defenders, other than extrajudicial killings, would be welcome. No information had been provided on assistance for people living with HIV or hepatitis C infection. The prevalence rate of hepatitis C infection in the State party was extremely high, yet the Committee had been informed that the Government would not be providing any funding for new drugs to treat that condition.

40. **Mr. Uprimny** said that the adoption of severe measures against drug dealers and users was overwhelmingly counterproductive, making it difficult for addicts to access treatment, creating health issues and prison overcrowding, and placing pressure on health-care resources. The prison population in the State party had doubled over the previous 16 years, rising to 140,000 prisoners. Overall prison capacity currently stood at 34,000 inmates. The number of women detainees had quadrupled over the same period, increasing to over 12,000. Many of those persons currently incarcerated were directly or indirectly linked to the drugs trade. Harm reduction projects, such as syringe exchange programmes, were rare in the State party. Consequently, over 40 per cent of opioid-dependent drug users were HIV-positive. In 2014, only around 4,000 drug users had been able to access treatment. He asked whether the national authorities intended to replace their war on drugs with harm reduction strategies, substitution therapies and evidence-based treatment for drug users. President Duterte had recently made a number of statements that appeared to endorse the use of lethal force against drug dealers and users. There had been around 2,000 extrajudicial killings of such persons, mainly carried out in poor areas, and the Committee was concerned that they might be linked to police or State-sponsored actions. Social and health programmes covering drug users had been cut back. He asked what strategies had been put in place to halt extrajudicial killings and investigate and punish the perpetrators, what the Government was doing to ensure that its war against drugs did not become a war against the poor, and what impact cuts in the health and employment budgets would have on persons affected by the war on drugs. Anti-drugs policies, such as "social cleansing" and the killing of drug users and petty criminals, were undemocratic and undermined the rule of law and respect for human rights.

41. **Mr. de Schutter** (Country Rapporteur) said that, under recently introduced legislation, Government departments were no longer obliged to allocate 1 per cent of their budget to disability issues, a requirement which, it appeared, had previously only been met by a few departments. Additional information in that regard would be welcome.

42. As to the Conditional Cash Transfer Programme, he asked whether the condition-based approach adopted under the Health Facilities Enhancement Programme was replicated with regard to schools. How did the national authorities provide for the large number of children with disabilities not currently enjoying access to schools, and how was compliance with conditions assessed in that regard? He would appreciate information about how the national authorities identified and provided cash transfers to homeless persons. It appeared that families with children with disabilities received the same amount of State support as those with non-disabled children; should that be the case, the national authorities might wish to consider aligning levels of support with the specific needs of individual families. The Conditional Cash Transfer Programme did not identify persons as right-holders who could claim benefits from an independent body on the basis of conditions that had previously been brought to their attention, but rather employed geographical targeting and the identification of categories of beneficiaries. It was important to take a rights-based approach when issuing cash transfers. Additional information in that regard would be welcome. He asked for an update on the status of the Magna Carta for Workers in the Informal Economy. The delegation had not provided answers to his questions on the prioritization of adoption of the Zero Hunger Bill, the possibility of a follow-up to the Comprehensive Agrarian Reform Programme Extension with Reforms, and the Government's plans to tackle extreme poverty among fishers affected by declining fish stocks.

43. **Ms. Bras Gomes** said that she had obtained her information on the living wage in the State party from the independent IBON International Foundation, which had calculated that the minimum wage was insufficient to ensure an adequate standard of living for a family of five persons. Her information on trade unions and collective bargaining came from the Centre for Trade Union and Human Rights of the Philippines and the ILO Committee of Experts on the Application of Conventions and Recommendations.

44. She asked whether the Magna Carta for Workers in the Informal Economy provided for a social protection floor. Additional information on any benefits and pension rights offered under the “*endo*” system would be welcome. Under the Covenant, minimum wages constituted a basic measure designed to ensure a decent standard of living. The Committee was concerned that the productivity rate-based two-tier wage system employed in the State party might result in a lowering of minimum wages; clarification would be appreciated in that regard. The Committee’s general comment No. 23 (2016) on the right to just and favourable conditions of work provided guidance on the difference between minimum wages and fair wages.

45. **Mr. Mancisidor de la Fuente** said that although the delegation had provided valuable information on initiatives targeting children with disabilities, it had not produced any statistical data related to improvements in those children’s situation. He asked what percentage of that population group did not currently enjoy access to the education system.

46. **The Chair**, speaking in his capacity as a member of the Committee, asked whether poverty lay behind the significant drug-related issues currently facing the State party. An approach based on friendly persuasion might not be sufficient to convince certain ethnic and religious groups to comply with the provisions of the Magna Carta for Women.

The meeting was suspended at noon and resumed at 12.10 p.m.

47. **Ms. Edillon** (Philippines) said that the Committee would be provided with detailed information on health expenditure once the corresponding data had been collected. The Responsible Parenthood and Reproductive Health Act had been deemed to be constitutional. A temporary restraining order on the distribution of contraceptive implants had been introduced related to certain provisions of the Act, but it did not cover private-sector health practitioners. The Department of Health distributed contraceptives and had prepared a road map for meeting requirements in that regard up to 2020, as part of the Government’s ten-point socioeconomic agenda. Women’s associations had highlighted the need for legislation to decriminalize abortion, although no bills had yet been presented. Culture and religion represented significant obstacles in that regard. Assistance, including interpreters, was given to persons with disabilities who had been victims of violence.

48. The number of labour inspectors had increased dramatically, although more were needed. While there were sanctions for employers who violated standards governing working conditions, it was difficult to detect those who failed to pay the minimum wage. That problem could also be tackled by strengthening trade unions. By opening offices of the National Labor Relations Commission in all regions, the Department of Labour and Employment had streamlined the complaints process, thus increasing the number of complaints filed and reducing the time taken to respond.

49. **Ms. Angeles-Natividad** (Philippines) said that citizens’ rights to freedom of speech, expression and peaceful assembly and to petition the Government were fully respected, and the State encouraged and facilitated human rights advocacy. Administrative Order No. 35 introduced several mechanisms to address extrajudicial killings, media killings, enforced disappearances, torture and other grave human rights violations and expanded the definition of extrajudicial killings. However, deaths resulting from anti-drug operations were not politically motivated and were not therefore extrajudicial killings, but criminal acts subject to judicial proceedings. In total, 1,089 extrajudicial killings, media killings, enforced

disappearances, and instances of torture and other grave human rights violations had been reported since 2001, of which 394 were deaths within the scope of the Administrative Order. Eight convictions had been secured for extrajudicial killings and 13 for media killings.

50. **Ms. Edillon** (Philippines) said that four bills on the right to food had been filed since the start of the current administration. The gathering of data on persons with disabilities was hampered by disagreements regarding the methodology to be used, and while the Department of Education possessed data on the number of persons with disabilities enrolled in education, the denominator was unknown. The State was willing to fund a census of persons with disabilities once a methodology had been agreed upon and the necessary capacity-building completed.

51. Homeless persons eligible for the Conditional Cash Transfer Programme were given housing and rent assistance for six months, on the condition that they did not return to the street. That assistance could be extended for up to two years. The Programme took a rights-based approach in that it attempted to break the intergenerational cycle of poverty by addressing children's needs and their right to education and health, regardless of their parents' actions. It also combated maternal mortality and provided assistance for pregnant women. The extension to the Comprehensive Agrarian Reform Programme Extension with Reform had been submitted to Congress.

52. **Ms. Rebong** (Philippines) said that special procedures mandate holders were invited to the country regularly; two mandate holders and one working group had been welcomed in 2015. Sufficient time was needed between visits in order to coordinate the government agencies involved. The State party encouraged the work of human rights defenders and regularly supported Human Rights Council resolutions related to their protection. The Government was endeavouring to reconcile the Code of Muslim Personal Laws with the Magna Carta of Women by working with Muslim women's associations and mounting information campaigns to combat discriminatory provisions in the Code.

53. **Ms. Edillon** (Philippines) said that a meeting with the IBON International Foundation to define an adequate standard of living would be useful. A technical working group had established a social protection floor, and those who earned the minimum wage were exempt from income tax. The practice of ending employment contracts after five months was illegal. Unemployment benefit was available only to those who had been working in the Government sector, and bills that would have extended it to other sectors had been rejected. A technical study was being planned to examine the need to extend the benefit, together with consultations with workers' associations, employers, Government bodies and social security agencies. Drug addiction was viewed as a health issue, and a full package of services, including education and health services, was offered in order to rehabilitate users and reintegrate them into society.

54. **Ms. Cabotaje** (Philippines) said that drug users were assisted by Government agencies, NGOs and religious groups. The strategy included the identification and classification of users, community-based rehabilitation programmes and support for their reintegration. More than 700,000 drug users had sought help, of whom less than 1 per cent required inpatient treatment, between 2 and 10 per cent were referred to outpatient facilities, and 90 per cent were assisted by community-based programmes. However, several shortcomings had been identified, including a lack of capacity in inpatient facilities, a failure to establish community-based programmes, and a need for more policies and guidelines. The new law on HIV/AIDS would include a harm reduction strategy for drug users.

55. **Ms. Edillon** (Philippines) said that there was no deliberate effort to target the poor during anti-drug campaigns; the list of persons involved in the drug trade drawn up by the President consisted mainly of prominent figures.

56. **Mr. Bunyi** (Philippines) said that the budget for the Bureau of Fisheries and Aquatic Resources had increased from Pts 6.7 billion in 2016 to Pts 7 billion in 2017, of which 60 per cent was allocated to poor fishing communities, where targeted actions aimed to reduce poverty, improve economies and support livelihoods. A fund had also been established to improve productivity and processes in the sector, facilitate livelihood projects and manage fisheries and aquatic resources, thereby enhancing food security. Enhanced fishery management measures also prioritized artisanal and small-scale fishers, and the owners of large vessels caught fishing in municipal and coastal waters had been sanctioned. Alternative employment opportunities were provided during the closed season, and the poorest households benefited from the Conditional Cash Transfer Programme and would receive low-cost rice through the planned Rice for the Masses programme.

57. **Ms. Edillon** (Philippines) said that the main goal of the recently created government department for information communication technology was to address the growing digital divide. Two major projects were already under way: one provided free wireless Internet access in public places and another installed Internet access points in regions where such infrastructure was lacking.

58. **Mr. De Schutter** said that he wished to thank the delegation for its responsive, detailed and high-quality answers to the Committee's questions. While the Philippines was a complex country that faced significant challenges, the quality of its governance would enable it to overcome them. Its innovative approaches in many areas were a source of inspiration to other countries.

59. **Ms. Rebong** (Philippines), after thanking the Committee for the fruitful dialogue, said that the State party was committed to human rights, due process and the rule of law, as demonstrated by its ratification of many international instruments and the active role played by citizens and civil society in promoting and protecting human rights.

60. **The Chair**, while praising the State party's progress, said that achievements must be based on the Covenant. He thanked the delegation for their efforts.

The meeting rose at 17 55 p.m.

